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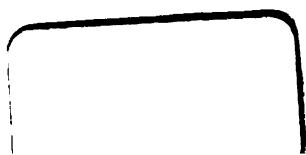
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THE
Statutes at Large,

Anno quarto GEORGII III. Regis,

Being the THIRD Session of the
Twelfth Parliament of GREAT BRITAIN.

BY
DANBY PICKERING, of GRAY'S INN, Esq;

THE
SCHOOL OF THE
MARTIN LUTHER KING, JR. CENTER
AT THE
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98. Bent. Law

THE
Statutes at Large,

FROM

M A G N A C H A R T A

To the END of the

Eleventh Parliament of GREAT BRITAIN,

Anno 1761.

C O N T I N U E D.

VOL. XXVI.

By DANBY PICKERING, of Gray's-Inn, Esq;
Reader of the Law Lecture to that Honourable Society.

C A M B R I D G E,

Printed by JOSEPH BENTHAM, Printer to the UNIVERSITY;
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Church in Fleet-Street, London. 1764.

CUM PRIVILEGIO.

57,893

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T A B L E

Containing the TITLES of all the

S T A T U T E S

PUBLICK and PRIVATE,

Passed *Anno quarto*G E O R G I I I I I. *Regis.*Being the Third Session of the Twelfth Parliament of
G R E A T B R I T A I N.

P U B L I C K A C T S.

AN act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and sixty four.

II. An act for granting an aid to his Majesty by a land tax to be raised in *Great Britain*, for the service of the year one thousand seven hundred and sixty four.

III. An act for punishing mutiny and desertion; and for the better payment of the army and their quarters.

IV. An act for exhibiting a bill in this present parliament, for naturalizing his highness the hereditary prince of *Brunswick Lunenburg*.

V. An act for naturalizing his highness *Charles William Ferdinand*, hereditary prince of *Brunswick Lunenburg*.

VI. An act to continue, for a limited time, the free importation of tallow, hogs lard, and grease, from *Ireland*.

VII. An act to explain and amend such part of an act made in the last session of parliament, (intituled, *An act for granting to his Majesty several additional duties upon wines imported into this kingdom, and certain duties upon all cyder and perry, and for raising the sum of three millions five hundred thousand pounds, by way of annuities and lotteries to be charged on the said duties*) as relates to cyder and perry made in this kingdom.

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VIII. An

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VIII. An act for the regulation of his Majesty's marine forces while on shore.

IX. An act for repealing the duties now payable upon bever skins imported, and for granting other duties in lieu thereof; and for granting certain duties upon the exportation of bever skins and bever wool; and for taking off the drawback allowed on the exportation of such skins.

X. An act for the more easy discharge of recognizances estreated into his Majesty's court of Exchequer.

XI. An act for continuing certain laws therein mentioned relating to *British* sail cloth, and to the duties payable on foreign sail cloth, and to the allowance upon the exportation of *British* made gunpowder, and for giving further encouragement for the importation of naval stores from the *British* colonies in *America*.

XII. An act to continue several laws for the better regulating of pilots for the conducting of ships and vessels from *Dover*, *Deal*, and *Isle of Thanet*, up the rivers of *Thames* and *Medway*; relating to the landing of rum or spirits of the *British* sugar plantations before the duties of excise are paid thereon; and to the further punishment of persons going armed or disguised, in defiance of the laws of customs or excise; and to the relief of the officers of the customs in informations upon seizures; and for granting a liberty to carry sugars of the growth, produce, or manufacture of any of his Majesty's sugar colonies, directly into foreign parts, in ships built in *Great Britain*, and navigated according to law; and for punishing persons who shall damage or destroy any banks, flood-gates, sluices, or other works, belonging to the rivers and streams made navigable by act of parliament.

XIII. An act for granting to his Majesty a certain sum of money out of the sinking fund, for the service of the year one thousand seven hundred and sixty four; and for preventing, in certain cases, the obtaining of allowances in respect of the leakage of wines imported into this kingdom; and for making forth duplicates of Exchequer bills, tickets, certificates, receipts, annuity orders, and other orders, lost, burnt, or otherwise destroyed.

XIV. An act for the better regulating of buildings; and to prevent mischiefs that may happen by fire within the weekly bills of mortality, and other places therein mentioned.

XV. An act for granting certain duties in the *British* colonies and plantations in *America*; for continuing, amending, and making perpetual, an act passed in the sixth year of the reign of his late majesty King George the Second, (intituled, *An act for the better securing and encouraging the trade of his Majesty's sugar colonies in America*); for applying the produce of such duties, and of the duties to arise by virtue of the said act, towards defraying the expences of defending, protecting, and securing, the said colonies and plantations; for explaining an act made in the twenty fifth year of the reign of King Charles the Second, (intituled, *An act for the encouragement of the Greenland and Eastland*

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trades, and for the better securing the plantation trade); and for altering and disallowing several drawbacks on exports from this kingdom, and more effectually preventing the clandestine conveyance of goods to and from the said colonies and plantations, and improving and securing the trade between the same and Great Britain.

XVI. An act to enable infants who are seised of lands, tenements, or hereditaments, within the duchy of *Lancaster*, or the counties palatine of *Chester*, *Lancaster*, or *Durham*, or the principality of *Wales*, in fee, or for the life or lives of one or more other person or persons, in trust, or by way of mortgage, to make conveyances of such estates by order of the court of the duchy chamber of *Lancaster*, of the court of *Exchequer* of the county palatine of *Chester*, the court of chancery of the county palatine of *Lancaster*, of the court of chancery of the county palatine of *Durham*; and of the courts of the great sessions in the principality of *Wales*.

XVII. An act to explain and amend an act passed in the second year of the reign of his present Majesty, intituled, *An act to explain, amend, and reduce into one act of parliament, the several laws now in being, relating to the raising and training the militia within that part of Great Britain called England*.

XVIII. An act for charging on the sinking fund certain annuities granted by an act passed in the first year of the reign of his present Majesty; and for carrying the duties therein mentioned, to the said fund; and also for consolidating such of the said annuities as are granted for a certain term of years, irredeemable, with other annuities granted by an act passed in the second year of his present Majesty's reign.

XIX. An act for importing salt from *Europe* into the province of *Quebec* in *America*, for a limited time.

XX. An act for vesting the fort of *Senegal*, and its dependencies, in the company of merchants trading to *Africa*.

XXI. An act for taking and swearing affidavits to be made use of in any of the courts of the county palatine of *Durham*.

XXII. An act for continuing several acts of parliament made for the encouragement of the whale fishery carried on by his Majesty's subjects.

XXIII. An act for raising a certain sum of money by loans or *Exchequer* bills; and for applying certain monies remaining in the *Exchequer*, for the service of the year one thousand seven hundred and sixty four; and for application of certain savings of publick monies, and of monies arisen by the sale of military stores; and for further appropriating the supplies granted in this session of parliament; and for relief of persons who have omitted to insert in indentures, or other writings the full sum agreed to be paid with clerks, apprentices, and other servants.

XXIV. An act for preventing frauds and abuses in relation to the sending and receiving of letters and packets free from the duty of postage.

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XXV. An act for establishing an agreement with the governor and company of the bank of *England*, for raising certain sums of money towards the supply for the service of the year one thousand seven hundred and sixty four; and for more effectually preventing the forging powers to transfer such stock, or receive such dividends or annuities as are therein mentioned, and the fraudulent personating the owners thereof.

XXVI. An act for granting a bounty upon the importation of hemp, and rough and undressed flax, from his Majesty's colonies in *America*.

XXVII. An act for granting, for a limited time, a liberty to carry rice from his Majesty's provinces of *South Carolina* and *Georgia*, directly to any part of *America* to the southward of the said provinces, subject to the like duty as is now paid on the exportation of rice from the said colonies, to places in *Europe* situate to the southward of *Cape Finisterre*.

XXVIII. An act to enable his Majesty, with the advice of his privy council, to order the importation of provisions from *Ireland*, during the next recess of parliament, under certain restrictions and regulations therein mentioned.

XXIX. An act for the encouragement of the whale fishery in the gulph and river of *Saint Lawrence*, and on the coasts of his Majesty's colonies in *America*.

XXX. An act for applying the money granted in this session of parliament, for defraying the charge of the pay and cloathing of the militia of that part of *Great Britain* called *England*, for one year, beginning the twenty fifth day of *March*, one thousand seven hundred and sixty four.

XXXI. An act to indemnify such persons as have omitted to qualify themselves for offices and employments; and to indemnify justices of the peace, deputy lieutenants, and officers of the militia, or others, who have omitted to register or deliver in their qualifications within the time limited by law, and for giving further time for those purposes; and to indemnify members and officers in cities, corporations, and borough towns, whose admissions have been omitted to be stamped according to the several acts of parliament now in force for that purpose, or, having been stamped, have been lost or mislaid, and for allowing them time to provide admissions duly stamped; and to prevent the destruction of trees and underwoods growing in forests and chases.

XXXII. An act to empower the high court of chancery to lay out, upon proper securities, a further sum of money, not exceeding a sum therein limited, out of the common and general cash in the bank of *England* belonging to the suitors of the said court; and for applying the interest arising therefrom, towards answering the charges of the office of the accountant general of the said court.

XXXIII. An act for preventing inconveniencies arising in cases of merchants, and such other persons as are within the description

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scription of the statutes relating to bankrupts, being intitled to privilege of parliament, and becoming insolvent.

XXXIV. An act to prevent paper bills of credit, hereafter to be issued in any of his Majesty's colonies or plantations in *America*, from being declared to be a legal tender in payments of money; and to prevent the legal tender of such bills as are now subsisting, from being prolonged beyond the periods limited for calling in and sinking the same.

XXXV. An act for making compensation to the proprietors of such lands and hereditaments as have been purchased upon the sea coasts in the counties of *Kent*, *Sussex*, and *Southampton*, on which forts and batteries have been erected for defence of the said coasts, in pursuance of an act passed in the second year of the reign of his present Majesty, and for other purposes therein mentioned.

XXXVI. An act to continue an act made in the fifth year of the reign of his late majesty King *George* the Second, intituled, *An act to prevent the committing of frauds by bankrupts*,; and for extending the laws, relating to hackney coaches, to the counties of *Kent* and *Essex*.

XXXVII. An act for the better establishing a manufactory of cambricks and lawns, or goods of the kind usually known under those denominations, now carrying on at *Winchelsea*, in the county of *Sussex*; and for improving, regulating, and extending the manufacture of cambricks and lawns, or goods of the kind usually known under those denominations, in that part of *Great Britain* called *England*.

XXXVIII. An act for allowing further time for inrollments of deeds and wills made by papists; and for relief of protestant purchasers.

XXXIX. An act to explain, amend, and render more effectual, two several acts of parliament, made in the second and third years of his present Majesty, for paving, cleansing, and lighting, the squares, streets, and lanes, within the city and liberty of *Westminster*, and other places therein mentioned, and for preventing annoyances therein; and for other purposes therein mentioned.

XL. An act for the more easy and speedy recovery of small debts within the borough and soke of *Doncaster*, in the county of *York*; and for lighting the streets, lanes, and other open passages and places, within the said borough.

XLI. An act for the more easy and speedy recovery of small debts in the town and parish of *Kirkby in Kendal*, in the county of *Westmorland*.

XLII. An act for repairing and widening the road from *Shillingford*, in the county of *Oxford*, through *Wallingford* and *Pangborne*, in the county of *Berks*; and for building a bridge over the river *Thames*, at or near *Shillingford Ferry*.

XLIII. An act for maintaining, regulating, and employing the poor within the parish of *Saint John at Hackney*, in the county

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ty of *Middlesex*; and for lighting the said parish, and establishing a regular nightly watch therein.

XLIV. An act for repairing and widening the roads from *Horsbam*, in the county of *Sussex*, through the parishes of *Shipley*, *West Grinstead*, *Asburst*, *Steyning*, *Bramber*, and *Breeding*, in the said county.

XLV. An act to amend and render more effectual several acts of parliament, for repairing the roads from *Sherbrooke Hill*, near *Buxto* and *Chappel in the Frith*, in the county of *Derby*, through the town of *Stockport*, in the county of *Chester*, to *Mancheffer*, in the county of *Lancaster*, and other roads in the said acts mentioned, and for turning and diverting the roads from *Whaley Bridge* to *Chappel in the Frith*, and to *Sparrow Pit Gate*; and from *Whaley Bridge*, to the western end of *Longside Common*, in the county of *Chester*.

XLVI. An act to continue an act passed in the tenth year of the reign of his late majesty King *George the Second*, for continuing an act, passed in the fifth year of the reign of his late majesty King *George the First*, intituled, *An act for laying a duty of two pennies Scots, or one sixth part of a penny Sterling, upon every pint of ale or beer, that shall be vended or sold within the town of Dunbar, for improving and preserving the harbour, and repairing the town house, and building a school, and other publick buildings there; and for supplying the said town with fresh water.*

XLVII. An act for repairing and widening the roads, from the end of *Stanbridge Lane*, near a barn in the parish of *Romsey*, to the turnpike road at *Middle Wallop*, and from the turnpike road between *Stanbridge Lane* aforesaid, and *Great Bridge*, to the turnpike road at *Stockbridge*, and from the garden of *Henry Hatstat*, at *Awbbridge*, to the garden wall of *Denys Rolle*, esquire, at *East Tuderley*, and from *Lockerley Mill Stream*, to *East Dean Gate*, and from the said garden wall to the turnpike road leading from *Stockbridge* aforesaid, in the county of *Southampton*, to *Salisbury*.

XLVIII. An act for repairing and widening several roads leading from *Calington* in the county of *Cornwall*.

XLIX. An act to enable the governor and company of the bank of *England* to purchase houses and ground for opening a passage for carriages, from *Cornhill* to the bank, and making more commodious several other passages leading thereto; and for enlarging the buildings of the said bank, and making the same more commodious.

L. An act for the relief of the bond and other creditors of the wardenis and commonalty of the mystery of *Mercers* of the city of *London*.

LI. An act for continuing and enlarging the term and powers of an act, made in the twenty sixth year of the reign of his late majesty King *George the Second*, intituled, *An act for repairing and widening the road from the west end of the town of Burton upon Trent, in the county of Stafford, through the said town, to the south end of the town of Derby, in the county of Derby.*

LII. An

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LII. An act for repairing and widening the road from *Worksep*, in the county of *Nottingham*, through the towns of *Gateforth*, *Aiston*, *Aston*, *Handsworth*, and *Darnall*, to the north east end of *Attercliffe*, in the county of *York*, where the same joins the turnpike road from *Bewtry* to *Sheffield*.

LIII. An act for repairing and widening the roads from the *Hgb Bridge* in *Spalding*, to a certain place called *Tydd Goat*, in the county of *Lincoln*; and from *Sutton Saint Mary's*, to *Sutton Wash*, in the said county.

LIV. An act for enlarging the term and powers granted by an act, passed in the twenty fourth year of the reign of his late Majesty, intituled, *An act for making, widening, and keeping in repair, several roads in the several parishes of Lambeth, Newington, Saint George Southwark, and Bermondsey, in the county of Surrey, and Lewisham, in the county of Kent*; and for repairing *Lambeth Back Lane*, and for lighting and watching the said roads.

LV. An act for establishing a regular and nightly watch, and for maintaining, regulating, and employing the poor within the parish of *Saint Clement Danes*, in the liberty of *Westminster*, and county of *Middlesex*.

LVI. An act for the better relief and employment of the poor in the hundred of *Blything*, in the county of *Suffolk*.

LVII. An act for the better relief and employment of the poor in the hundred of *Bosmere* and *Claydon*, in the county of *Suffolk*.

LVIII. An act to amend and render more effectual an act passed in the twenty ninth year of the reign of his late majesty King *George the Second*, intituled, *An act for the better relief and employment of the poor in the hundreds of Colnies and Carlford, in the county of Suffolk*.

LIX. An act for the better relief and employment of the poor, in the hundred of *Samsford*, in the county of *Suffolk*.

LX. An act for the more effectual relief and employment of the poor, within the city of *Gloucester*, and for lighting the streets of the said city.

LXI. An act for repairing and widening the road from *Derby* to *Mansfield*, in the county of *Nottingham*; and several other roads therein mentioned.

LXII. An act for continuing the terms of, and amending, the acts for repairing several roads leading from *Ledbury*, in the county of *Hersford*; and for widening and amending the road through the parish of *Bromesberrow*, in the county of *Gloucester*, and through *Corse Lawn*, till it meets the road from *Gloucester* to *Worcester*.

LXIII. An act for amending and widening the road from a place near the village of *Milford*, through *Haslemere*, to the *Portsmouth* road, between *Lippock* and *Rake*, in the several counties of *Surrey*, *Sussex*, and *Southampton*.

LXIV. An act for amending and widening the road from *Tinsley* in the county of *York*, to the town of *Doncaster* in the said county.

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LXV. An act for amending and widening the road from the south end of the town of *Rotherham* in the county of *York*, to the present turnpike road, near *Pleasley*, in the county of *Derby*, and also the road from the north end of the said town of *Rotherham*, into the present turnpike road on the east side of *Tankerley Park*, in the said county of *York*.

LXVI. An act to continue the term, and enlarge the powers, of an act passed in the seventeenth year of the reign of his late Majesty, for repairing the road between the town of *Kingslom upon Hull*, and the town of *Beverley*, in the east riding of the county of *York*; and for repairing the road from *Newland Bridge*, to the west end of the town of *Cottingham*, in the said riding.

LXVII. An act for repairing, widening, and keeping in repair, the high roads leading from *Alfreton* in the county of *Derby*, through *Carters Lane*, to a certain place in the town of *Mansfield*, called *Stockwell*, and from the *Bridle Gate* at the division of the liberties of *Blackwell* and *Hucknall*, through the town of *Sutton* in *Ashfield*, to the *Mansfield* and *Newark* turnpike, at or near *Python Hill*, in the forest of *Sherwood*, in the county of *Nottingham*.

LXVIII. An act for continuing and enlarging the term and powers of an act made in the twenty eighth year of the reign of his late majesty King *George the Second*, intituled, *An act for repairing and widening the road from Rochdale to Burnley, in the county of Lancaster*.

LXIX. An act for repairing and widening the road from the west end of *Baxter Gate*, in the town of *Whitby*, to the south end of *Lockton Lane*, in the parish of *Middleton*, in the county of *York*.

LXX. An act for enlarging the term and powers of two acts of the twelfth of King *George the First*, and of the third of his late Majesty, for repairing several roads therein mentioned, in the county of *Salop*; and also for amending and widening the road, from the sign of the *Horse Shoe*, in *Uckington*, to *Longnor Green*; and also from the west end of *Hatcham Bridge*, to the *Cross Houses* upon the *Bridgenorth* turnpike road, in the said county.

LXXI. An act for extending the provisions of an act, passed in the twenty fifth year of his late Majesty, for repairing the roads from the north end of *Malling Street*, near *Lewes*, and other roads in *Suffex*, to the road leading from the north end of *Offham*, to the *Spital Barn* in *Lewes* aforesaid.

LXXII. An act for continuing one moiety of the duties, granted by an act of the eleventh and twelfth year of King *William the Third*, for the repair of *Dover Harbour*, and which have been by several other acts, continued till the twelfth day of *May*, one thousand seven hundred and sixty five; and for applying the same to compleating and keeping in repair the harbour of *Rye*, in the county of *Suffex*, and for more effectually compleating and keeping in repair the said harbour.

LXXIII. An act for paving, repairing, and cleansing, the streets,

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streets, lanes, alleys, and publick passages, within the town of *Whitby*, in the county of *York*; and for preventing incroachments and annoyances therein; and for regulating the carriages, cartmen, and porters there.

LXXIV. An act for amending and supplying the deficiencies of an act passed in the second year of the reign of his present majesty King *George the Third*, intituled, *An act to amend and render more effectual, several acts made for cleansing and enlightning the streets of the town of Kingston upon Hull, and for preventing annoyances therein.*

LXXV. An act for supplying the borough and town of *Wigan*, in the county of *Lancaster*, with fresh and wholesome water.

LXXVI. An act for repairing and widening the road from *Beverley* to *Kexby Bridge*, in the county of *York*.

LXXVII. An act for continuing and enlarging the term and powers of an act made in the twenty sixth year of the reign of his late Majesty, intituled, *An act for repairing and widening the road leading from Piper's Inn, in the parish of Ashcott, in the county of Somerset, to and through Glastonbury and Wells to the White Post, in the great western road, to the city of Bath, and from Wells to Ruth Hill, leading to the city of Bristol*; and for repairing and widening several other roads leading from the city of *Wells*.

LXXVIII. An act for explaining and amending an act made in the twenty sixth year of the reign of his late majesty King *George the Second*, intituled, *An act for amending, widening, and repairing the road leading from Dover to Barham Downs, in the county of Kent*; and also for amending, widening, and repairing the road leading from *Cowgate* and *Archcliffe Fort*, in *Dover*, through *Folkstone*, to the town of *Hythe*, in the said county.

LXXIX. An act to enlarge the term and powers of so much of an act of the twenty ninth year of the reign of his late Majesty, for repairing and widening several roads therein described, leading from the town of *Tewkesbury*, in the county of *Gloucester*, as relates to the first district of roads therein mentioned; and for amending the road from *Comb Hill*, to a bridge near *Norton Mill*, in the county of *Gloucester*, and from *Eckington Bridge*, to join the turnpike road which leads from *Upton on Severn* to *Perfbore*, in the county of *Worcester*.

LXXX. An act for repairing and widening the roads from *Spalding High Bridge*, to the market place in *Donington*, and from the tenth mile stone, in the parish of *Gosbertown*, to the eighth mile stone, in the parish of *Wigtoft*, in the county of *Lincoln*.

LXXXI. An act for amending, widening, and keeping in repair, several roads leading from the *Bucks-Head* at *Watling Street*, to *Beckbury*, and the *New Inn*; and from the *Birches Brook* to the *Hand Post*, in the parish of *Kemberton*, in the county of *Salop*.

LXXXII. An act for widening and repairing the road leading from *Asborne*, in the county of *Derby*, over *Belpar Bridge*, to the present turnpike road from *Sheffield* and *Chesterfield* to *Derby*, at or near a place called *Openwood Gate*, and from *Belpar Bridge* to *Ripley*, in the county of *Derby*.

LXXXIII. An

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LXXXIII. An act for repairing and widening the road from *Bramcote Odd House*, in the county of *Nottingham*, to the *Cross Post* upon *Smalley Common*, in the county of *Derby*, and from *Ilkeston* to the towns of *Heanor* and *Shipley*, in the said county of *Derby*, and from *Trowell*, in the county of *Nottingham*, to the town of *Nottingham*.

LXXXIV. An act for repairing and widening the roads from *Melton Mowbray*, in the county of *Leicester*, to the *Guide Post* in *Saint Margaret's Field*, *Leicester*, and from the town of *Leicester*, to the town of *Lutterworth*, in the said county, and other roads therein mentioned.

LXXXV. An act for repairing and widening the road from *Scots Dyke*, in the county of *Dumfries*, by or through the villages of *Langholm* and *Hawick* to *Haremsfoss*, in the county of *Roxburgh*.

LXXXVI. An act to amend and render more effectual two several acts passed in the twenty fourth and twenty eighth years of the reign of his late Majesty, for repairing the high roads in the county of *Edinburgh*, to and from the city of *Edinburgh*, and from *Cramond Bridge* to the town of *Queensferry*, in the county of *Linlithgow*.

LXXXVII. An act for repairing several roads leading from the town of *Bideford*, in the county of *Devon*.

LXXXVIII. An act for amending, widening, and keeping in repair, several roads leading from the town of *Cardiff*, and several other towns and places in the county of *Glamorgan*.

LXXXIX. An act for the better relief and employment of the poor, in the hundred of *Mutford* and *Lothingland*, in the county of *Suffolk*.

XC. An act for the better relief and employment of the poor in the hundreds of *Loddon* and *Clavering*, in the county of *Norfolk*.

XCI. An act for the better relief and employment of the poor in the hundred of *Wangford*, in the county of *Suffolk*.

XCII. An act for the better paving of the streets and lanes, and for preventing nuisances and other annoyances, in that part of the parish of *Portsea*, in the county of *Southampton*, commonly called *Portsmouth Common*.

XCIII. An act for the better supplying the town of *Knareborough*, and that part of the township of *Scriven with Tenter Gate* adjoining upon the said town, with water.

P R I V A T E A C T S.

A N act for naturalizing *Gouert Cassau*.

2. An act for naturalizing *Andrew Solinus*.

3. An act for naturalizing *Peter Hasenckever*, *Johann Petet Rucker*, *John Francis Blache*, *Andrew Vezian*, *James Charles Grantges*, and *Jacob Muller*.

4. An act for naturalizing *William Dunant*, *John Christian Schrieber*, *Jonas Dael*, and *Charles Henry Thalbitzer*.

5. An act for dividing and inclosing the open common fields,
common

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• common meadows, and other commonable lands, in the parish of *Huntington*, in the county of *Lincoln*.

6. An act for dividing and inclosing the open and common fields, common meadows, common grounds, heath grounds, lanes, and waste ground, within *Guilsborough, Coton, and North*, in the county of *Northampton*.

7. An act for dividing and inclosing certain open common fields and grounds, in the manor and parish of *Stainton in the Hole*, in the county of *Lincoln*.

8. An act for dividing and inclosing the common fields, common and waste grounds, in the parish of *Scarby*, in the county of *Lincoln*.

9. An act for dividing and inclosing the open and common fields, and commons, or waste grounds, in the parish of *Chilver's Coton*, in the county of *Warwick*.

10. An act for inclosing and dividing so much of the moor or common, called *Badley Moor*, as lies within the manors of *North Tuddenham*, alias *Saint Clares*, *Mattishall Tuddenham*, on the part of *North Tuddenham*, and *Bell-house Hall*, and in the parish of *North Tuddenham*, in the county of *Norfolk*, and certain other commons and wastes within the said manors and parish.

11. An act for dividing and inclosing the open and common fields, meadows, and common fen, in the parish of *Horbling*, in the county of *Lincoln*, and for draining and improving the said fen.

12. An act for dividing and inclosing the open fields, and commonable places, of and in *Billesden*, in the county of *Leicester*.

13. An act for establishing and confirming the inclosure and division of certain lands in *Sudcoates*, in the parish of *Drypool*, in the county of *York*, and for other purposes.

14. An act for dividing and inclosing several common and open fields and meadows, in the parish of *Saint Margaret*, near the borough of *Leicester*, in the county of *Leicester*.

15. An act for dividing and inclosing the open and common fields of *Wartnaby*, in the county of *Leicester*, and all the lands and grounds within the same fields.

16. An act for dividing and inclosing the open and common fields, meadows, and pastures of *North Cave*, in the east riding of the county of *York*.

17. An act for confirming articles of agreement for inclosing and dividing several open fields, and several pieces or parcels of arable, meadow, and pasture ground, within the township of *Skipsea*, in the county of *York*.

18. An act for dividing and inclosing the open and common fields and grounds in the township and parish of *Skeffing* in *Holderness*, in the county of *York*.

19. An act for extinguishing the right of common, in, over, and upon, certain commonable lands and grounds, within the manor and parish of *Bromley*, in the county of *Kent*.

20. An act for exempting *Batchacre Grange*, in the counties of *Stafford* and *Salop*, or one of them, from payment of tythes, and other ecclesiastical dues, and for settling other tythes in lieu thereof.

21. An

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21. An act for draining certain fen lands and wet grounds, in the parish of *Helgay*, in the county of *Norfolk*.

22. An act for draining and preserving certain marsh lands and low grounds, within the township of *Thorngumbald*, in the county of *York*.

23. An act for establishing and carrying into execution certain articles of agreement therein mentioned, for a division of certain real estates in the county of *York*, late of Sir *Hungerford Bland*, baronet, deceased, and for other purposes therein mentioned.

24. An act for empowering the committee or committees, for the time being, of the estate of *John Newport* esquire, a lunatick, to make leases of his estates during his lunacy.

25. An act for carrying into execution, an agreement between the governors and guardians of the hospital for the maintenance and education of exposed and deserted young children, and *Robert Nedham* esquire, deceased, relating to an estate in the island of *Jamaica*, devised by the will of *Henry Nedham* esquire, deceased.

26. An act for annexing the rectory of *East Lockinge*, in the county of *Berks*, to the office of warden of the college of the *Souls of all Faithful People deceased*, of *Oxford*.

27. An act for sale of the freehold and leasehold estates of *John Tregenna* clerk, deceased, in the county of *Cornwall*, given and devised by his will, in trust for his children, and for paying and applying the money to arise by such sales, in manner therein mentioned.

28. An act to enable the vicar of the parish of *Rochdale*, in the county of *Lancaster*, to grant a lease or leases of the glebe lands belonging to the said vicarage.

29. An act to enable the rector of the parish and parish church of *Bury*, in the county of *Lancaster*, for the time being, to grant leases of the glebe belonging to the said rectory.

30. An act for making the exemplification of the will of *Thomas King* esquire, deceased, evidence in all courts of law and equity, in *Great Britain* and *Ireland*.

31. An act to enable *Richard Symons*, an infant, (lately called *Richard Peers*) and the heirs of his body, to take and use the surname of *Symons*, pursuant to the will of *Richard Symons* esquire, deceased.

32. An act for naturalizing *William Dingman* and *John Reincke*,

33. An act for naturalizing *John Marteilbe* of *London*, merchant,

34. An act for naturalizing *Egbert Nannen*.

35. An act for dividing and inclosing the common and open fields, and commonable places of *Sbarnsford*, in the county of *Leicester*.

36. An act for dividing and inclosing the open and common fields, common pastures, common meadows, and other commonable lands and grounds, in *Wbetstone*, in the county of *Leicester*.

37. An act for dividing and inclosing the open and common fields, common meadows, lammass grounds, and other commonable lands and grounds in the parish of *Potherby*, in the county of *Lincoln*,

38. An

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38. An act for dividing and inclosing the open fields, and commonable places in the parish of *Stony Stanton*, in the county of *Leicesters*, and the lands, meadows, and commonable places, in the lordship of *Potters Marston*, in the said county, belonging to and used with the said fields of *Stony Stanton*.

39. An act for dividing, allotting, and inclosing, the open fields and pasture ground, in the lordship of *Aldbrough*, in *Helderness*, in the county of *York*.

40. An act for dividing and inclosing the several open and common fields, and ings, within the township and parish of *Houghton in the Marsh*, otherwise *Holton in the Clay*, in the county of *Lincoln*.

41. An act for dividing and inclosing the open and common fields, lying, in the manor and parish of *Stoke Albany*, in the county of *Northampton*.

42. An act for dividing and inclosing the common fields, common pastures, common meadows, common grounds, and waste grounds, of and in the manor and parish of *Neunham*, in the county of *Northampton*.

43. An act for dividing and inclosing the common fields, common pastures, common meadows, common grounds, and waste grounds, of and in the manor and parish of *Everdon*, otherwise *Great Everdon* and *Little Everdon*, in the county of *Northampton*.

44. An act for dividing and inclosing the common fields, common pastures, common grounds, and waste grounds, in the parish of *Ledger's Abby*, in the county of *Northampton*.

45. An act for dividing and inclosing a certain moor or common, in the township of *Crook and Billyrow*, within the parish of *Brancepeth*, in the county of *Durham*.

46. An act for dividing and inclosing the open and common fields of *Atherstone*, in the county of *Warwick*, and all the lands, meadows, and grounds, within the same.

47. An act for draining, preserving, and improving, the low grounds, and carrs, lying and being in the parishes, townships, hamlets, lordships, precincts, and territories of *Sutton*, *Gainshead*, *Swine*, *Benningholme*, *Benningholme Grange*, and *Fairholme*, *North Skirlaugh*, *Rouaton*, *Arnold*, *Long-Rifton*, *Leven*, *Heigholme*, and *Hallytree-Holme*, *Brandes-Burton*, and *Bursfall*, *Eske*, *Tickton*, *Weel*, *Routh*, *Meaux*, and *Waghen*, otherwise *Wawn*, in *Holderness*, in the east riding of the county of *York*.

48. An act to empower the right honourable *John* lord viscount *Spencer*, to make leases of the manor of *Battersea* and *Wandsworth* and of lands and grounds in *Battersea* and *Wandsworth*, in the county of *Surrey*, purchased in pursuance of the will of the most noble *Sarah* late dutchess dowager of *Marlborough*, in order for building upon and improving the same.

49. An act for confirming a partition of several estates, late of *Thomas Horton*, in the counties of *Wilts* and *Gloucester*, between *William Blanch*, *John Roberts*, *Richard Brereton*, and others, and for vesting and settling the premises to the several uses therein mentioned.

50. An

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50. An act for vesting the estate late of *Edmund Hungate Beagban*, esquire, deceased, in the counties of *Kent* and *Suffex*, in trustees, in trust, to sell and convey the same to *Edward Louisa Mann*, esquire, or as he shall appoint, pursuant to an agreement for that purpose, and for applying the money arising by such sale, for the benefit of *George Edmund Beagban*, his only son and heir, an infant.

51. An act for vesting divers messuages and hereditaments in the city of *London*, the settled estate of *Elizabeth Brett*, wife of *Charles Brett* esquire, in the said *Charles Brett*, and his heirs, discharged from the uses of his marriage settlement, and for settling another estate, in the county of *Middlesex*, of greater value, in lieu thereof, to the uses limited of the said settled estate.

52. An act for discharging the uses and trusts of certain manors, lands, and hereditaments, in the county of *Norfolk*, settled upon, and for the benefit of, *William Wiggett Bulwer*, and *Mary* his wife, and their issue, and for substituting and settling other estates and hereditaments, in the same county, of greater value, in lieu thereof, to the like uses.

53. An act for vesting two shares in *Ranelagh House*, gardens, and premises, late the estate of *James Delaune*, deceased, in *John Ferrett* and *Robert Edmeston*, and their heirs, in trust, to sell the same, and apply the money arising from such sale, to the several charitable purposes, as is directed by the will of the said *James Delaune*.

54. An act for vesting the settled estate of *William Young* esquire, in the county of *Wills*, in trustees, to be sold, and for laying out the money arising thereby, together with other money of the said *William Young*, in the purchase of other hereditaments, of greater value, to be settled in lieu thereof.

55. An act to enable *John Pollard* esquire (lately called *John Carter*) and his heirs male, to take and use the surname and arms, of *Pollard*, pursuant to the will of *Elizabeth Pollard*, deceased.

56. An act for naturalizing *James Nabou de Bervillee*, *Johann Jacob Uckermann*, and *John Hauser*.

57. An act for naturalizing *James Alric*.

58. An act for dividing and inclosing the open and common fields, common pastures, common meadows, common grounds, heath and waste ground in the manor and parish of *West Hadden* in the county of *Northampton*.

59. An act for dividing and inclosing a waste ground, called *The Marsh*, in the township of *Newport*, in the county of *Salop*; and applying the produce thereof to the several purposes therein mentioned.

60. An act to enable *Lucy Knightley* esquire, to inclose several open and common fields, in the parish of *Haverham*, in the county of *Bucks*; and for vesting certain glebe lands, and the tythes belonging to the rectory of *Haverham*, aforesaid, in the said *Lucy Knightley*, and his heirs, and for making a compensation to the rector of the said parish in lieu thereof.

61. An act for dividing and inclosing the open and common fields, common meadows, common pastures, common grounds, and

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and commonable lands, within the manor, parish, and liberties of *Welbury*, in the county of *Buckingham*.

62. An act for dividing and inclosing the common fields, common meadows, and common pastures, in the parish of *Nether Bracton*, in the county of *Leicester*.

63. An act for dividing and inclosing a moor, or common, called *Staindrop Moor*, within the township of *Staindrop*, in the county of *Durham*.

64. An act for dividing and inclosing the open and common fields, in the parish of *Great Wigston*, in the county of *Leicester*.

65. An act for dividing and inclosing the open and common fields, common pastures, common meadows, common grounds, and waste grounds, in the parish of *Husbands Bosworth*, otherwise *Borefoorth*, in the county of *Leicester*.

66. An act for dividing and inclosing the common or waste grounds within the manor of *Wombwell*, in the county of *York*.

67. An act for dividing and inclosing the open and common field, common meadows, common pastures, common grounds, and commonable lands, lying within the township, hamlets, and liberties of *Warkworth*, in the county of *Northampton*.

68. An act for vesting divers manors, lands, and hereditaments, in the counties of *Bedford*, *Dorset*, and *Lancaster*, comprized in the marriage settlement of *John* earl of *Apsburnham*, in him the said earl, in fee simple, discharged of the uses and trusts of that settlement, and for substituting and settling other lands and hereditaments, in the dominion of *Wales*, in lieu thereof, and to the like uses.

69. An act to empower the guardians of *George* earl of *Egremont*, an infant, to enfranchise certain customary lands and hereditaments, in the county of *Cumberland*, part of the settled estates of the earl; and also to empower the guardians of the said earl, and his infant brothers, to make leases of part of the said estate, in the county of *Cumberland*, and to make leases and copyhold grants of the several estates limited and devised to them respectively by *Charles* earl of *Egremont* their late father, deceased, and for other the purposes therein mentioned.

70. An act for vesting lands and hereditaments in *Great Britain* and *Ireland*, part of the estate of *James* earl of *Barymore*, in trustees, for raising money towards paying and discharging the debts and incumbrances affecting his real estates.

71. An act for settling the estate of *Henrietta Rosa Peregrina Townsend*, wife of *James Townsend*, esquire, according to certain articles of agreement executed before her intermarriage with the said *James Townsend*, but subject to the charges and incumbrances affecting the same.

72. An act for enlarging the charitable uses, extending the objects, and regulating the application of the rents and profits of the estates given by Sir *William Harpur* knight, and dame *Alice* his wife, for the benefit of the poor, and other objects of charity, of the town of *Bedford*.

73. An act to enable the warden and fellows of the college of *Christ*, in *Manchester*, in the county palatine of *Lancaster*, for
the

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the time being, to grant leases of the glebe lands belonging to the said college.

74. An act to impower the honourable *George Lane Parker*, to shut up a road or way now used over certain inclosed lands, in the parish of *Gamblingay*, in the county of *Cambridge*, and for extinguishing all right to a certain toll which he now is intitled to in two lanes, near the said road or way, and for obliging him to keep the said lanes in repair.

75. An act for enlarging the time given to trustees therein named, to execute certain trusts vested in them, in and by an act of parliament made in the sixteenth year of the reign of his late Majesty, intituled, *An act for vesting the remainder in fee of several lands in Ireland, the estate of Arthur Plunkett esquire, in trustees, in order to sell such lands to protestant purchasers*; and also by another act of parliament made in the thirty second year of the reign of his said late Majesty, intituled, *An act for giving further time to trustees therein named, to execute certain trusts vested in them, in and by the said act of parliament made in the said sixteenth year of the reign of his said late Majesty*.

76. An act for divesting out of the crown, the reversion in fee, of certain lands in *Ireland*, late the estate of *Matthew Dowdall*, a papist, deceased, expectant upon the death of his three grandsons, without issue male; and for vesting the same in *Anthony Ladeveze*, of the city of *Dublin* esquire, a protestant and his heirs.

77. An act for divesting out of the crown, and to vest in *Gerard Fitzgerald*, of *Ratborne*, in the county of *Meath*, in the kingdom of *Ireland*, esquire, and his heirs, the reversion in fee of and in several lands in *Ireland*.

78. An act to enable the mayor and aldermen of the town of *Saffron Walden*, in the county of *Essex*, the guardians or trustees of King *Edward* the Sixth's alms-houses there, and other the feoffees thereof, to convey part of the lands, revenues, and possessions, of the said alms-houses, to Sir *John Griffin Griffin*, and his heirs, in exchange for other lands of greater value, to be conveyed to, and held by, them, to the uses, and upon the trusts therein mentioned; and for vesting part of the lands of *Thomas Fuller*, an infant, in *Saffron Walden* aforesaid, in the said Sir *John Griffin Griffin*, and his heirs, in exchange for other lands of greater value, to be conveyed to the said infant, and his heirs; and for other purposes therein mentioned.

79. An act for vesting certain messuages, lands, tenements, and hereditaments, in the town and county of *Northampton*, devised by the will of *Edward Bayly*, deceased, in trustees, to be sold, and for laying out the money, arising by such sale, in the purchase of other lands, to be settled to the like uses.

80. An act to dissolve the marriage of *John Weller* esquire, with *Charlotte Wilson*, his now wife, and to enable him to marry again: and for other purposes therein mentioned.

81. An act for naturalizing *Peter Pohlmann*, and *David Godin*.

82. An act for naturalizing *Henry Kock*.

83. An act for naturalizing *Alexander Joseph Peittier*.

A
T A B L E
OF THE
S T A T U T E S
P U B L I C K and P R I V A T E,

Passed *Anno quinto*

G E O R G I I I I I. *Regis.*

Being the Fourth Session of the Twelfth Parliament of
G R E A T B R I T A I N.

P U B L I C K A C T S.

AN act for importation of salted beef, pork, bacon, and butter, from *Ireland*, for a limited time.

II. An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and sixty five.

III. An act for extending the time granted by an act passed in the third year of the reign of his present Majesty, for allowing his Majesty's subjects to import their goods and effects, being the produce of certain places ceded to *France* and *Spain* by the late treaty of peace, upon payment of the same duties as they would have been liable to if the same places had remained in his Majesty's possession.

IV. An act to indemnify such persons as have omitted to qualify themselves for offices and employments; and to indemnify justices of the peace, deputy lieutenants, officers of the militia, or others, who have omitted to register or deliver in their qualifications within the time limited by law, and for giving further time for those purposes.

V. An act for granting an aid to his Majesty by a land tax to be raised in *Great Britain*, for the service of the year one thousand seven hundred and sixty five.

VI. An act for the regulation of his Majesty's marine forces while on shore.

VII. An act for punishing mutiny and desertion; and for the better payment of the army and their quarters.

VIII. An act for the more easy and speedy recovery of small debts within the hundreds of *Blackheath*, of *Bromley* and *Beckenham*, of *Rokeby*, otherwise *Ruxley*, and of *Little* and *Leffness*, in the county of *Kent*.

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IX. An act for the more easy and speedy recovery of small debts within the hundreds of *Chappenharn, Calne, and Damerham North*, and lordship or liberty of *Corbam*, in the county of *Wilts*.

X. An act to permit the free importation of cattle from *Ireland*.

XI. An act for rendering more effectual an act made in the twelfth year of the reign of her late majesty *Queen Anne*, intituled, *An act for providing a publick reward for such person or persons as shall discover the longitude at sea*, with regard to the making experiments of proposals made for discovering the longitude.

XII. An act for granting and applying certain stamp duties, and other duties, in the *British colonies and plantations in America*, towards further defraying the expences of defending, protecting, and securing the same; and for amending such parts of the several acts of parliament relating to the trade and revenues of the said colonies and plantations, as direct the manner of determining and recovering the penalties and forfeitures therein mentioned.

XIII. An act for empowering the commissioners for putting in execution the several acts passed for paving, cleansing, and lighting, the squares, streets, and lanes, within the city and liberty of *Westminster*, and parts adjacent, to collect certain tolls on *Sundays*, upon the several roads therein mentioned, and apply the same for the purposes of the said acts.

XIV. An act for the more effectual preservation of fish in fish ponds and other waters; and conies in warrens; and for preventing the damage done to sea banks, within the county of *Lincoln*, by the breeding conies therein.

XV. An act for enlarging the times limited for executing and performing several provisions, powers and directions, in certain acts of this session of parliament.

XVI. An act for altering the times of payment of certain annuities, established by two acts made in the thirty third year of the reign of his late Majesty, and in the second year of the reign of his present Majesty.

XVII. An act to confirm all leases already made by archbishops and bishops, and other ecclesiastical persons, of tythes and other incorporeal hereditaments, for one, two, or three life or lives, or twenty one years; and to enable them to grant such leases, and to bring actions of debt for recovery of rents reserved and in arrear on leases for life or lives.

XVIII. An act for continuing an act, made in the thirty first year of his late Majesty's reign, for encouraging the growth and cultivation of madder in that part of *Great Britain* called *England*, by ascertaining the tythe thereof.

XIX. An act for raising a certain sum of money by loans or exchequer bills, for the service of the year one thousand seven hundred and sixty five.

XX. An act for explaining and rendering more effectual two acts, one made in the twelfth year of the reign of *Queen Anne*, intituled, *An act for providing a publick reward for such person or persons as shall discover the longitude at sea*; and the other in the twenty sixth year of the reign of *King George the Second*, intituled, *An act to render more effectual an act made in the twelfth year*

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of the reign of her late majesty Queen Anne, intituled, An act for providing a publick reward for such person or persons as shall discover the longitude at sea, with regard to the making experiments of proposals made for discovering the longitude; and to enlarge the number of commissioners for putting in execution the said act.

XXI. An act for appointing commissioners to put in execution an act of this session of parliament, intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and sixty five*, together with those named in two former acts for appointing commissioners of the land tax; and for indemnifying persons who have acted as commissioners of the land tax, by virtue of estates of or above a certain value, though the same were not rated or assessed at the value of one hundred pounds *per annum*; and for limiting a time within which suits and prosecutions shall be commenced, with respect to the qualifications of persons who shall act as commissioners of the land tax.

XXII. An act for the further encouragement of the *British* white herring fishery.

XXIII. An act for granting annuities, to be attended with a lottery, to satisfy and discharge certain navy, victualling, and transport bills; and for charging the payment of such annuities on the sinking fund.

XXIV. An act to oblige agents for prize money to account for such sums of money as remain in their hands unclaimed, the property of any of his Majesty's land forces; and for the application thereof.

XXV. An act to alter certain rates of postage, and to amend, explain, and enlarge, several provisions in an act made in the ninth year of the reign of *Queen Anne*, and in other acts relating to the revenue of the post office.

XXVI. An act for carrying into execution a contract made, pursuant to the act of parliament of the twelfth of his late majesty King *George the First*, between the commissioners of his Majesty's treasury and the duke and dutchess of *Atholl*, the proprietors of the *Isle of Man*, and their trustees, for the purchase of the said island and its dependencies, under certain exceptions therein particularly mentioned.

XXVII. An act to provide for the administration of the government, in case the crown should descend to any of the children of his Majesty, being under the age of eighteen years; and for the care and guardianship of their persons.

XXVIII. An act to impower the high court of *Chancery* to lay out, upon government securities, a sum of money therein mentioned, out of the common and general cash in the bank of *England* belonging to the suitors of the said court; and to apply the interest arising therefrom, towards augmenting the income of the masters of the said court.

XXIX. An act for repealing the duties now payable upon raw silk imported, and for granting other duties in lieu thereof; for allowing a drawback on the exportation of raw or thrown silk to *Ireland*, and for prohibiting the exportation of raw silk from *Ireland*,

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XXX. An act for more effectually supplying the export trade of this kingdom to *Africa*, with such coarse printed callicoës, and other goods of the product or manufacture of the *East Indies*, or other places beyond the *Cape of Good Hope*, as are prohibited to be worn and used in *Great Britain*; for encouraging the importation of bugles into this kingdom; for the better supply of the export trade thereof; and for discontinuing the bounty payable in *Great Britain*, and all bounties and allowances in *Ireland*, upon the exportation of corn, grain, malt, meal, and flour, from thence to the *Isle of Man*.

XXXI. An act to discontinue, for a limited time, the duties upon wheat and wheat flour imported; and also the bounty payable on the exportation of wheat and wheat flour.

XXXII. An act to enable his Majesty, with the advice of his privy council, to prohibit the exportation of wheat, wheaten meal, flour, bread, biscuit, and starch, during the next recess of parliament, at such time, and in such manner, as the necessity of the time may require, and he, in his wisdom, shall think convenient and needful.

XXXIII. An act to amend and render more effectual, in his Majesty's dominions in *America*, an act passed in this present session of parliament, intituled, *An act for punishing mutiny and desertion, and for the better payment of the army and their quarters*.

XXXIV. An act for applying the money granted in this session of parliament, for defraying the charge of the pay and cloathing of the militia of that part of *Great Britain* called *England*, for one year, beginning the twenty fifth day of *March*, one thousand seven hundred and sixty five; and for punishing militia men for neglecting their duty.

XXXV. An act for granting to his Majesty certain duties on the exportation of coals; and of several *East India* goods; and upon policies of assurance for retaining, upon the exportation of white callicoës and muslins, a further part of the duties paid on the importation thereof; and for obviating a doubt with respect to stamp duties imposed upon deeds by two former acts.

XXXVI. An act to explain, amend, and enforce the several laws now in being relating to the raising and training the militia within that part of *Great Britain* called *England*.

XXXVII. An act for laying certain duties upon *Gum Senega* and *Gum Arabic* imported into or exported from *Great Britain*, and for confining the exportation of *Gum Senega* from *Africa* to *Great Britain* only.

XXXVIII. An act to continue part of an act made in the thirtieth year of the reign of his late majesty King *George* the Second, intituled, *An act to render more effectual the several laws now in being, for the amendment and preservation of the publick highways and turnpike roads of this kingdom*; and for making further provisions for the preservation of the said roads.

XXXIX. An act for more effectually preventing the mischiefs arising to the revenue and commerce of *Great Britain* and *Ireland*, from the illicit and clandestine trade to and from the *Isle of Man*.

XL. An act for granting to his Majesty a certain sum of money

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ney out of the sinking fund; for applying certain monies therein mentioned for the service of the year one thousand seven hundred and sixty five; for further appropriating the supplies granted in this session of parliament; for allowing to the receivers general of the duties on offices and employments in *Scotland* a reward for their trouble; and for allowing further time to such persons as have omitted to make and file affidavits of the execution of indentures of clerks to attornies and solicitors.

XXI. An act for the relief of insolvent debtors.

XLII. An act for redeeming one fourth part of the joint stock of annuities established by an act made in the third year of his present Majesty's reign, in respect of several navy, victualling, and transport bills, and ordnance debentures.

XLIII. An act for the better securing, and further improvement, of the revenues of customs, excise, inland and salt duties; and for encouraging the linen manufacture of the *Isle of Man*; and for allowing the importation of several goods the produce and manufacture of the said island, under certain restrictions and regulations.

XLIV. An act for repealing the act made in the last session of parliament, intituled, *An act for vesting the fort of Senegal, and its dependencies, in the company of merchants trading to Africa*; and to vest as well the said forts and its dependencies, as all other the *British* forts and settlements upon the coast of *Africa*, lying between the port of *Sallee* and *Cape Rouge*, together with all the property, estate and effects of the company of merchants trading to *Africa*, in or upon the said forts, settlements and their dependencies, in his Majesty; and for securing, extending and improving the trade to *Africa*.

XLV. An act for more effectually securing and encouraging the trade of his Majesty's *American* dominions; for repealing the inland duty on coffee, imposed by an act made in the thirty second year of his late majesty King *George* the Second; and for granting an inland duty on all coffee imported (except coffee of the growth of the *British* dominions in *America*); for altering the bounties and drawbacks upon sugars exported; for repealing part of an act made in the twenty third year of his said late Majesty, whereby bar iron made in the said dominions was prohibited to be exported from *Great Britain*, or carried coastwise; and for regulating the fees of officers of the customs in the said dominions.

XLVI. An act for altering the stamp duties upon admissions into corporations or companies; and for further securing and improving the stamp duties in *Great Britain*.

XLVII. An act for encreasing the fund for payment of the sums of money directed, by an act made in the thirty second year of the reign of his late majesty King *George* the Second, to be applied in augmentation of the salaries of the puisne judges in the court of *King's Bench*, the judges in the court of *Common Pleas*, the barons of the coif in the court of *Exchequer* at *Westminster*, and the justices of *Chester*, and the great sessions for the counties of *Wales* for the time being; and for applying certain sums in augmentation of the salaries of the said judges and justices, and of the judges in the courts of session and *exchequer* in

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Scotland, for a certain time previous to the commencement of the augmentations established by the said act.

XLVIII. An act for prohibiting the importation of foreign manufactured silk stockings, silk mits and silk gloves into *Great Britain*, and the *British* dominions; and for rendering more effectual an act passed in the third year of the reign of his present Majesty, for explaining, amending and rendering more effectual an act made in the nineteenth year of the reign of King *Henry* the Seventh, intituled, *Silk works*.

XLIX. An act to prevent the inconveniencies arising from the present method of issuing notes and bills by the banks, banking companies, and bankers, in that part of *Great Britain* called *Scotland*.

L. An act to enlarge the powers of, and to render more effectual the several acts passed in the second, third and fourth years of his present Majesty's reign, for paving, cleansing, lighting and otherwise regulating, the squares, streets and other places, within the city and liberty of *Westminster*, and other parts in the said acts mentioned; and for extending the provisions of the said acts to the *Surry* side of *Westminster* bridge; and for enlarging the powers of the said acts with respect to squares.

LI. An act for repealing several laws relating to the manufacture of woollen cloth in the county of *York*; and also so much of several other laws, as prescribes particular standards of width and length of such woollen cloths; and for substituting other regulations of the cloth trade within the west riding of the said county, for preventing frauds in certifying the contents of the cloth; and for preserving the credit of the said manufacture at the foreign market.

LII. An act for repairing and widening the road leading from the town of *Wadburst* in the county of *Suffex*, to the turnpike road at *Lamberhurst Pound* and *Pullen's Hill*, in the county of *Kent*; and from the top of *Pullen's Hill*, through the parishes of *Horsmonden*, *Morden*, *Yalden*, and *West Farley*, to *West Farley Street*, in the said county of *Kent*.

LIII. An act for continuing the terms of several acts, and for giving further powers for repairing the road from *Chatteris-Ferry*, to *Hammond's Eau* and *Somersham Bridge*, and for amending and widening the road from *Somersham Bridge* to the *Sheep-Market*, in *Saint Ives*; and also the road branching out of the said road near *Stocks Bridge* through *Needlingworth*, to *Earish*, in the county of *Huntingdon*.

LIV. An act for repairing and widening the road from *Dunbam-Ferry*, to the south end of *Great Markham Common*, in the county of *Nottingham*.

LV. An act to continue the term, and to vary and enlarge the powers, of an act passed in the twenty fifth year of his late Majesty, for repairing the road from *Wallingford* in the county of *Berks*, to *Wantage*, and from thence to *Farringdon*, and also from *Wantage* to *Idson*, in the said county, so far as the same relate to the road leading from *Wallingford* to *Wantage*, and from thence to *Farringdon*; and for discontinuing the said term and powers, so far as the same relate to the road leading from *Wantage* to *Idson*; and

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and for repairing the road leading from the north east corner of *Nuffield Common*, by the parish church of *Nuffield*, otherwise *Tuffield*, in the county of *Oxford*, to the commencement of the said turnpike road leading from *Wallingford* to *Wantage*.

LVI. An act for repairing and widening the road leading from *Portbaethbury Ferry* to *Holyhead*, in the county of *Anglesey*.

LVII. An act for continuing the term, and altering and enlarging the powers of an act passed in the thirtieth year of the reign of his late majesty, For amending, widening and keeping in repair the roads leading from the village of *Milford* in the county of *Surrey*, through *Petworth*, to the top of *Dunckon Hill*, and from *Petworth* to *Stepham Bridge*, in the county of *Suffex*.

LVIII. An act for repairing, widening and keeping in repair, several roads in and near *Great Torrington*, in the county of *Devon*.

LIX. An act for repairing and widening several roads leading from the quay at *Lymington*, in the county of *Southampton*.

LX. An act for continuing and rendering more effectual, two acts passed in the twelfth year of King *George the First*, and the twentieth of his late Majesty, for repairing the several roads therein mentioned in the counties of *Essex* and *Suffolk*; and for repairing and widening several other roads in the counties of *Essex* and *Hertsford*.

LXI. An act for repairing, widening and keeping in repair, several roads leading to and from *Crewkerne*, in the county of *Somerset*.

LXII. An act for enlarging the term and powers of two acts of the thirteenth of *George the First*, and of the sixteenth of his late Majesty, for repairing several roads leading from the town of *Warminster*, in the county of *Wilts*; and for amending several other roads near the said town; and for repealing so much of an act made in the first year of the reign of his present Majesty, for repairing several roads therein mentioned, in the said county, as relates to the road within the town of *Heytesbury*; and for other purposes therein mentioned.

LXIII. An act for repairing and widening the roads leading from the turnpike road at *Kipping's Cross* in the parish of *Brenchley*, in the county of *Kent*, through the parishes of *Brenchley*, *Horsmonden* and *Goudhurst*, by the left hand side of *Iden Green*, to the turnpike road on *Wilsley Green*, in the parish of *Cranbrook*, and from a place near *Goudhurst Gore*, through the parish of *Marden*, to *Stile Bridge* in the said parish, and from *Underden Green*, in *Marden* aforesaid, to *Wanbott's Green*, in the county of *Kent*.

LXIV. An act for repairing, widening, and keeping in repair, the road leading from the turnpike road on *Hurst Green*, in the county of *Suffex*, through *Etchingham* and *Burwash*, to the extent of the said parish of *Burwash*, in the said county.

LXV. An act for rebuilding the parish church of *Alkallou on the Wall*, in the city of *London*; and for rebuilding the house belonging to the rector of the said parish; and for purchasing several pieces of ground and tenements thereon, to render the passages to and from the said church and house more commodious.

LXVI. An act to continue the term, and enlarge the powers, of an act passed in the second year of the reign of his present Majesty,

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Majesty, for repairing and widening the road from *Mullens Pond*, in the county of *Southampton*, to the eighteen mile stone from the city of *Salisbury*, and several other roads in the said act mentioned; and also for repairing and widening several other roads leading out of the said roads, and for other purposes therein mentioned.

LXVII. An act for amending the road from the *Pinfold* in *Balby*, in the county of *York*, to *Workop*, in the county of *Nottingham*.

LXVIII. An act for repairing, widening, and keeping in repair, the road leading from the turnpike road at *Wrotham Heath*, in the county of *Kent*, to the turnpike road leading from *Croydon* to *Godstone*, in the county of *Surrey*.

LXIX. An act for repairing and widening the roads from the south end of *Newton Abbott* to the passage way in *Kinswear*, opposite *Clifton Dartmouth Hardness*, and from the end of a lane leading out of the turnpike road between *Newton Abbott* and *Totnes*, towards *Abbots Kerwell*, to *Five Lanes*; and from *Langvers Barn* to the said turnpike road, between *Newton Abbott* and *Totnes*; and from *Galmpton Warborough* to *Monks Bridge* and *Brixham Quay*; and from *Langvers Barn* to the north end of *Paington* town, all in the county of *Devon*.

LXX. An act for repairing and widening the roads from *Keyberry Bridge* to the passage at *Shalldon*; and from the said bridge to the pier or harbour of *Torkey*, in the county of *Devon*.

LXXI. An act for repairing and widening the road from *Tonbridge* to *Maidstone*, and from *Watts Cross* to *Cowden*, in the county of *Kent*.

LXXII. An act for amending and widening the road from the sign of the *Coach and Horses* in *Bristol*, to the turnpike road at *Nunbrook*; and from *Bradley Lane* to the town of *Huddersfield*, in the west riding of the county of *York*.

LXXIII. An act for repairing and widening the road from *Great Grimsby Haven*, at or near a place called the *Upper Sand End*, to *Wold Newton Church*; and from *Nuns Farm* to the *Mill Field*, in the parish of *Irby*, in the county of *Lincoln*.

LXXIV. An act for enlarging the powers of several acts for repairing the road from *Stump Cross* to *Newmarket Heath* and the town of *Cambridge*, and from *Foulmire* to *Cambridge*, and other roads adjoining thereto, so far as the same relate to the road from *Foulmire* to *Cambridge*, and the said other roads adjoining thereto.

LXXV. An act for enlarging the term and powers of so much of an act made in the twenty seventh year of the reign of his late majesty, for repairing several roads in the counties of *Dorset* and *Devon*, as relates to the road from *Penn Inn*, in the county of *Dorset*, to the work-house at the east end of the town of *Honiton*, in the county of *Devon*, and to the road from the intrenchment on *Akerwell Hill* to *Penn Inn*, and from *Bridport* to *Beamister*; and for repairing and amending several other roads therein mentioned in the counties of *Dorset* and *Devon*.

LXXVI. An act for repairing, widening and keeping in repair, several roads leading from *Kidwelly*, in the county of *Carmarthen*; and also several roads leading from *Llandilo*, in the said county.

LXXVII. An

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LXXVII. An act for enlarging the terms and powers of several acts of the ninth and twelfth years of *Queen Anne*, and of the thirteenth of *King George the First*, and of the fourteenth of his late Majesty, for repairing the highways leading from *Royston*, in the county of *Hertford*, to *Wansford Bridge*, in the county of *Huntingdon*, so far as relates to the middle and south divisions of the road comprized in the said acts; and for amending the road from the town of *Huntingdon* to the causeway at or near the west end of the town of *Somerham*, in the said county of *Huntingdon*.

LXXVIII. An act for repairing, widening and keeping in repair, the road from *Welford Bridge*, in the county of *Northampton*, through *Husband's Bosworth* and *Great Wigston*, to *Milston Lane*, in the town of *Leicester*.

LXXIX. An act to continue the term, and alter and enlarge the powers, of an act passed in the third year of his present Majesty, for repairing, widening, turning and keeping in repair, the road from the town of *Cambridge* to *Ely*, and from thence to *Soham*; and for building a bridge cross the river *Ouse*, at or near a place called *Strettham Ferry*, in the county of *Cambridge*; and for repairing and widening, and making several other roads, adjoining to the roads directed to be repaired and widened by the said act.

LXXX. An act for continuing the terms of several acts, and for giving further powers for repairing the road leading from *Chapel on the Heath*, in the county of *Oxford*, to *Bourton on the Hill*, in the county of *Gloucester*.

LXXXI. An act for cleansing and lighting the streets, lanes, and passages, within the towns of *Manchester* and *Salford*, in the county palatine of *Lancaster*; and for providing fire engines and fire-men; and for preventing annoyances within the said towns.

LXXXII. An act to enlarge certain powers granted by an act passed in the twenty second year of the reign of *King George the Second*, intituled, *An act for enlarging and maintaining the harbour of Ramsgate, and for cleansing, amending and preserving the haven of Sandwich*.

LXXXIII. An act for amending the road from *Chatterris Ferry*, through *Chatterris* and *Marsh*, to *Wisbech Saint Peters*; and from thence to *Tid Gate* in the *Isle of Ely*; and from *Wisbech* aforesaid, through *Outwell*, to *Downham Bridge* in the county of *Norfolk*; and for repealing the several acts for repairing the said road between *Wisbech* and *March*.

LXXXIV. An act for repairing and widening the road from *Newcastle under Line* to *Hassop*; and from *Middle Hills* to the *Macclesfield* turnpike road, near *Buxton*; and also the road branching out of the said first mentioned road at *Cobridge*, to *Burslem*; and to the *Uttoxeter* turnpike at *Shelton*, in the county of *Stafford*.

LXXXV. An act for repairing and widening the roads from *Bawtry Bridge*, in the county of *Nottingham*, to *Hainton*, in the county of *Lincoln*; and from *North Willingham* to the north end of the lane betwixt *Dexthorpe* and *Langton*, and from *West Raisin* to *Pilford Bridge*; and from the great road near *Bishop Bridge* to *Bishop Norton Common*; and from the hamlet of *Morton* to *Epworth*;

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Epsworth; and from *Haxey Field*, to the *Trent* at *Kinnald Ferry*, in the county of *Lincoln*.

LXXXVI. An act for enlarging the term and powers of an act made in the twenty fifth year of the reign of his late Majesty, for repairing the high road from the town of *Shrewsbury* through *Cressage*, *Harley*, *Much Wenlock*, by *Muckley Cross*, and through *Morville*, to *Bridgenorth*, in the county of *Salop*; and for amending several other roads near or adjoining thereto.

LXXXVII. An act to amend several acts passed in the fourth and sixth years of King *George* the First, and in the eleventh and twenty fourth years of King *George* the Second, for repairing several roads from the *Stones End* in *Kent Street*, and *Bermondsey Street*, *Southwark*, to *Dartford*, and to the extent of the parish of *Lewisham*, next *Bromley* and *Beckenham*, in the county of *Kent*; and for extending the said acts to the repair of the roads leading from the end of the present turnpike to the west end of *Stroud Green*, and to *Farnborough Well*, and to the *Stones End* in *London Street*, *Greenwich*, and to the north end of *Burnt Ash Lane*, in the parish of *Lee*, and from the west end of *Greenwich Park Wall* to *Woolwich Warren*; and for making an allowance out of the tolls arising by the said acts to the trustees for putting in execution an act of the twenty second year of King *George* the Second, for opening and making a new road from the east end of *New Street*, in the parish of *Saint John*, *Southwark*, to and through the several places therein mentioned; and for keeping the said road in repair for the future.

LXXXVIII. An act for repairing and widening the road from *Barton Waterhouse*, to *Riseham Hedge Corner*, and several other roads in the county of *Lincoln*, therein mentioned.

LXXXIX. An act for the building a bridge over the river *Tay*, at or near the town of *Perth*, in the county of *Perth*.

XC. An act for repairing and widening the road from the *Alfreton* turnpike road, near a place called *Little Robbins*, in the parish of *Mansfield*, in the county of *Nottingham*, through *Woolley Moor*, to the *Nottingham* turnpike road, near *Tansley*, in the county of *Derby*, and from *Woolley Moor*, to the *Chesterfield* turnpike road at *Kelstidge*, in the county of *Derby*.

XCI. An act for vesting certain glebe lands, belonging to the rectory of the parish church of *Saint Christopher*, in the city of *London*, in the governor and company of the bank of *England*; and for making a recompence to the rector of the said parish, and his successors, in lieu thereof; and for obviating certain doubts in an act passed in the thirty third year of the reign of his late Majesty, for widening certain streets, lanes and passages, within the city of *London*.

XCII. An act for explaining and amending, and likewise for enlarging the term and powers granted by a certain act of parliament, passed in the twenty fifth year of the reign of his late majesty King *George* the Second intituled, *An act for amending several roads leading from the town of Taunton, in the county of Somerset*.

XCIII. An act for repairing, widening, turning, altering, and keeping in repair, the roads leading from the port town and borough

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rough of *Minshood*, through *Dunstan* and *Timberscombe*, to *Hole Bridge*, and through the town of *Dulverton*, and by the river and *Brayford Green* to *Exbridge*, in the county of *Somerset*, and from thence to *Batham Bridge*, in the town of *Bampton*, in the county of *Devon*; and also the road leading from the said port town and borough of *Minshood*, through *Carhampton* and *Billbrooke* to *Harrow Gate*, in the parish of *Stogumber*, in the county of *Somerset*; and also the road leading from *Carhampton* aforesaid, through the town of *Watchet*, in the parish of *Saint Decumans*, in the county of *Somerset*, to or near the village of *Rydon*, and by *Long Cross Barn*, to the end of the *Bridgewater* turnpike road, in the town of *Nether Stowey*, in the county of *Somerset*; and also from the said town of *Watchet* to *Tower Hill*, in the village of *Williton*, in the parish of *Saint Decumans*, and from the said town of *Watchet*, by way of *Five Bells* to *Fair Cross*, and from thence to *Stickle Path*, over *Brendon Hill*, to *Robbery Lane*, and to *Bampton*, in the said county of *Devon*.

XCIV. An act for repairing the church of the united parishes of *All Saints* and *Saint John*, in the town of *Hertford*.

XCV. An act for repairing and widening the road, leading from a street called *The Hundred*, at *Romsey*, through *Chilworth*, to the river at *Swatbling*, in the county of *Southampton*, and for connecting the same with the road leading from the city of *Winchester*, through *Hursley*, to *Chandler's Ford*; and from *Hursley* aforesaid, to the turnpike road at *Romsey* aforesaid; and also for repairing and widening the road leading from the river at *Swatbling* aforesaid, through *Batley*, to the turnpike road at *Sberill Heath*, in the said county of *Southampton*.

XCVI. An act for repairing and widening the road from *Alford* to *Boston*, and from thence to *Cowbridge*, in the county of *Lincoln*.

XCVII. An act for the better relief and employment of the poor, in the hundreds of *Loes*, and *Wilford*, in the county of *Suffolk*.

XCVIII. An act to enlarge the term and powers of an act made in the twenty fourth year of his late Majesty, for repairing the road from *Croftford Bridge* to *Manchester*, and for amending the road from *Croftford-Bridge* aforesaid, to a certain place in *Altrincham*, in the county palatine of *Chester*.

XCIX. An act for amending and widening the road, from the city of *York*, by *Grimston Smithy*, to *Kexby Bridge*, and from *Grimstone Smithy* aforesaid, to a certain gate, at the upper end *Garraby Hill*, in the county of *York*.

C. An act for repairing and widening the road from *Stockport*, in the county of *Chester*, to *Saxon's Lane End*, in the county of *Lancaster*, and from the cross, in *Abton-Under-Line* in the said county of *Lancaster*, to *Doctor's-Lane-Head*, in the county of *York*; and also the road branching out of the first-mentioned road, in the township of *Bradbury*, to *Mottram*, in the said county of *Chester*.

CI. An act for repairing and widening the roads from the *Little Bridge*, over the end of the drain, next *Wisbeach River*, lying between *Roper's Fields*, and the *Bell Inn* in *Wisbeach*, in the *Isle of Ely*, to the sign of the *Bear* in *Walsoken*, in the county of *Norfolk*; and from *Walsoken Bridge*, lying over the same drain,

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to the said sign of the *Bear*, and to *Lord's Bridge*, in *Ipsington*; and from thence to the west ends of *Maudlin Bridge* and *German's Bridge*, in the county of *Norfolk*; and from the east end of *German's Bridge* afore said, to the west end of *Long Bridge*, in *South Lynn*, in the borough of *King's Lynn*, in the said county of *Norfolk*; and from *Ipsington* afore said, to *Crofs Keys Wash*, in the said county.

CII. An act for repairing and widening several roads, leading from between the second and third mile stones, on the turnpike road between the town and county of *Poole*, and *Winborn Minster*, in the county of *Dorset*, to *Bratton Corner*, in the county of *Somerset*.

CIII. An act to enlarge the term and powers of an act made in the twenty seventh year of his late Majesty, for opening, making, widening, and keeping in repair, a road from *Ratcliffe Highway*, through *Cannon Street*, in the county of *Middlesex*, and other roads in the said act mentioned; and for lighting, watching and watering the said roads.

CIV. An act for enlarging the term and powers granted by an act passed in the twenty sixth year of his late Majesty's reign, intituled *An act for repairing and widening the roads therein mentioned, leading to and from the towns of Shepton Mallet and Ivelchester, in the county of Somerset; and for repairing the roads from Shepton Mallet to Leighton, and from Shepton Mallet to Long Crofs Bottom.*

CV. An act for repairing and widening the road, from the turnpike road in *Banbury*, in the county of *Oxford*, through *Daventre*, and *Cottesbach*, to the south end of *Mill Field*, in the parish of *Lutterworth*, in the county of *Leicester*.

CVI. An act to continue the term and render more effectual an act passed in the thirtieth year of the reign of his late Majesty, for repairing and widening the roads leading from *Spalding High Bridge*, through *Littleworth*, and by *Fraghna*, and over *James Deeping Stone Bridge*, in the county of *Lincoln*, to *Maxey Outgang*, in the county of *Northampton*, adjoining to the high road there.

CVII. An act for repairing and widening the road from the *Great Bridge*, in the borough of *Warwick*, through *Soutbam* and *Daventry*, to the town of *Northampton*.

CVIII. An act for amending and widening the road, from the north end of *Old Malton Gate*, in the town and borough of *New Malton*, to the town of *Pickering*, in the county of *York*.

P R I V A T E A C T S .

1. An act for dividing and inclosing the open and common fields, common meadows, common pastures, and commonable waste grounds, in the manor and parish of *Podington*, in the county of *Bedford*.

2. An act for dividing and inclosing the open common fields, common pastures, common meadows, common grounds, lanes, and waste ground, within the manors and parish of *Hardingstone* and *Cotton*, in the county of *Northampton*.

3. An act for naturalizing *John William Plauel*, *John James Long*, *Jacob Nadal*, and *Christopher Henry Beaumer*.

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4. An act for naturalizing *Luder Lang*.
5. An act for naturalizing *Christian James Strackhoven*.
6. An act for dividing and inclosing the open commons, common fields, meadows, and grounds, lying in the hamlet of *Donnington*, in the parish of *Stow on the Wold*, in the county of *Gloucester*.
7. An act for dividing and inclosing certain open and common fields, common pastures, common meadows, and commonable waste grounds, in the manor, hamlet, and tything, of *West-ete*, in the parish of *Waddeston*, in the county of *Bucks*.
8. An act for dividing and inclosing the common fields, meadows, pastures, and waste grounds, in the manor of *Long Eaton*, in the parish of *Sawley*, in the county of *Derby*.
9. An act for dividing and inclosing the open and common fields, and grounds, within the township of *Ulrone*, otherwise *Owram* in *Holderness*, in the county of *York*.
10. An act for dividing and inclosing the open and common fields, common meadows, common pastures, common grounds, and waste grounds, in the parish of *North Kibworth*, in the county of *Leicester*.
11. An act for annexing the rectory of *Colerne*, in the county of *Wilts*, to the office of warden of the college of *Saint Mary*, of *Winchester*, in *Oxford*.
12. An act for vesting the settled estates of *Ann Wilson*, widow, and *Ann Wilson*, her daughter, an infant, in trustees, to be sold, for discharging the debts and incumbrances affecting the same.
13. An act to enable *Richard Duppa*, clerk (heretofore called *Richard Hancorn*) and his heirs male, to take and use the surname and arms of *Duppa*, pursuant to the will of *Baldwin Duppa* esquire, deceased.
14. An act to enable *William Ager*, and his issue, to take and use the surname of *Turnor*.
15. An act to enable *John Jennings* esquire (now called *John Smith*) and his heirs, to take and use the surname of *Smith*, pursuant to the will of *Thomas Smith*, deceased.
16. An act to enable *William Marwood* esquire, lately called *William Metcalf*, and his issue, to take, use, and bear, the surname and arms of *Marwood*, pursuant to the will of *Jane Turner*, widow, deceased.
17. An act to enable *William Nevile Blondeau* esquire, and his issue, to take and use the surname of *Hart*.
18. An act to enable *Benjamin Francis Tribe* esquire (and his heirs) to take and use the surname of *Poole*, pursuant to the will of *Elizabeth Ludwell*, deceased.
19. An act for naturalizing *Dirk Jager* of the city of *London*, merchant.
20. An act for naturalizing *Andrew Fubrer*, and *Rene Labutte*.
21. An act for naturalizing *John Elias Jaquery*, *Peter Samuel Darbonnier*, *Daniel Henriod*, *John James Oswald*, and *John Francis Anthony Rivaz*.
22. An act for naturalizing *Peter Anthony Sapte*, and *David Francis Sapte*.
23. An act for dividing and inclosing the open and common arable

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arable fields, meadows, pastures, commons, and waste grounds, in the lordship and parish of *Flamborough*, in the county of *York*.

24. An act for dividing and allotting the commons or wastes, and the common fields, and ings, in the manor and township of *Everingham*, in the county of *York*; and for other purposes therein mentioned.

25. An act for dividing and inclosing the open and common fields, common meadows, common pastures, common grounds, and commonable lands, lying within the townships and hamlets of *Horley* and *Hornton*, in the parish of *Horley* aforesaid, in the county of *Oxford*.

26. An act for dividing and allotting certain open fields, meadows, and stinted pastures, in the township of *Fenton*, in the parish of *Kettlethorpe*, in the county of *Lincoln*, and a certain free common, called *The East Moor*, in the same parish.

27. An act for dividing and inclosing certain common fields, meadows, and common pastures, in the township and parish of *Newton*, in the county of *Lincoln*, and certain rights of pasture in *Kettlethorpe* in the said county.

28. An act for dividing and inclosing the common fields, common meadows, common pastures, common grounds, and waste grounds, of and in the manor of *Wellingborough*, and of and in the manor of *Wellingborough*, formerly belonging to the college of *Irlingborough*, and in the parish of *Wellingborough*, in the county of *Northampton*.

29. An act for dividing and inclosing the open common fields and meadows, common pastures, and other commonable lands, lying within the parish of *Lowdham*, in the county of *Nottingham*.

30. An act for dividing and inclosing several open and common fields, lands, and grounds, in the parish of *Benton*, in the east riding of the county of *York*.

31. An act for dividing and inclosing certain open common fields, lands, and grounds, in *Ellerker*, in the parish of *Brantingham*, in the east riding of the county of *York*.

32. An act for dividing and inclosing certain open common fields, lands, and grounds, in *Brantingham*, and *Thorpe Brantingham*, in the parish of *Brantingham*, in the east riding of the county of *York*.

33. An act for dividing and inclosing the open and common fields, heath, and waste grounds, and commonable places, in the lordship and liberties of *Draycot*, in the parish of *Bourton*, in the county of *Warwick*.

34. An act for dividing and inclosing the common fields and common grounds, in the manor and parish of *Denford*, in the county of *Northampton*.

35. An act for dividing and inclosing the open and common fields, common meadows, common pastures, and commonable waste grounds, in the manor and parish of *Twywell*, in the county of *Northampton*.

36. An act for dividing and inclosing the open and common fields, common meadows, and other commonable lands, within the manor and parish of *Snitsfield*, otherwise *Snitterfield*, in the county of *Warwick*.

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37. An act for dividing and inclosing the open lands and grounds, lying in the parish of *Bretfertou*, in the county of *Worcester*.

38. An act for dividing and inclosing the common fields, commons, and waste grounds, in the parish of *Rothwell*, in the county of *Lincoln*.

39. An act for dividing and inclosing the common fields and grounds, lying in the parish of *Leuchwick and Norton*, and the borough of *Evesham*, in the county of *Worcester*.

40. An act for dividing and inclosing certain pieces or parcels of land, in the parishes of *Doncaster* and *Cantley*; and for draining and preserving the said lands; and also several other lands and grounds, in the several parishes of *Rossington* and *Wadsworth*, in the west riding of the county of *York*.

41. An act for confirming the allotments of, and for inclosing, the common and several waste lands, in the manor and parish of *Sebrabam*, otherwise *Sebergham*, in the county of *Cumberland*.

42. An act for dividing and inclosing the common called *Scarning Common*, and the greens called *Pound Green*, *Pope's Green*, and *Bett's Green*, lying within the several manors of *Scarning Hall*, *Drayton Hall*, and *Northern Hall*, *Scarning Parva*, *Guntens* and *Rougholme*, on the part of *Hoe*, or some or one of them, and in the parish of *Scarning*, in the county of *Norfolk*.

43. An act for dividing and inclosing the common fields, common pastures, common meadows, common grounds, and waste grounds, of and in the parish and liberties of *Spratton*, in the county of *Northampton*.

44. An act for dividing and inclosing the commons and waste grounds within the manor of *Cropton*, in the county of *York*, and for other purposes therein mentioned.

45. An act for dividing, allotting, and inclosing, divers parcels of common or waste grounds, within the manors of *Appleton* and *Lymm*, in the county of *Chester*.

46. An act for inclosing and dividing several lands and grounds, in the township of *Kirkhammerton*, in the parish of *Kirkhammerton*, in the county of *York*.

47. An act for confirming and establishing an exchange agreed to be made between *Thomas Holles* duke of *Newcastle*, and *Margaret Cavendish* dutchess dowager of *Portland*, of several parts of their settled estates, in the county of *Nottingham*; and for settling the lands given in exchange to each party, to such uses, as the lands for which the same are exchanged stood settled.

48. An act for vesting an estate, called *Woodlands*, in the county of *Wilts*, belonging to the master, fellows, and scholars, of the college called *Clare Hall*, in the university of *Cambridge*, in *William* earl of *Shelburne*, and his heirs.

49. An act for confirming and establishing an agreement, between the master, brethren, and sisters, of the hospital of the lord *Hastings* of *Loughborough*, founded at *Stoke Poges*, in the county of *Bucks*, and *Thomas Penn* esquire, for exchanging certain lands and premises in *Stoke Poges* aforesaid; and for rendering the said agreement more effectual, for the purposes thereby intended.

50. An act to enable *Fanny Fowler*, spinster, a minor, to convey,

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vey, assign, and settle, her real and personal estate, in the manner therein mentioned, on her intended marriage with Sir *Brooke Bridges* baronet.

51. An act for sale of certain lands in the county of *Kent*, settled upon the rector of the parish of *Saint George Bloomsbury*, in the county of *Middlesex*; and for applying the money arising thereby, in manner therein mentioned, for the benefit of the said rector.

52. An act to apply a certain sum of money arising by the sale of a house in *Tetbury*, in the county of *Gloucester*, and by donations of several persons, for rebuilding the parish church and chancel of *Tetbury*, aforesaid.

53. An act for the sale of lands and tenements, in the county of *Cumberland*, late the estate of *William Dobinson* gentleman, deceased for the benefit of the children of *Joseph Banks*, his nephew, deceased.

54. An act to dissolve the marriage of *John Nixon*, with *Hester Spencer*, his now wife, and to enable him to marry again; and for other purposes therein mentioned.

55. An act to enable *Brigg Price* esquire, and his issue, to take and use the surname of *Fountaine*, and to bear the arms of Sir *Andrew Fountaine* knight, deceased.

56. An act for naturalizing *Henrietta Rosa Peregrina Townsend*, wife of *James Townsend* esquire.

57. An act for naturalizing *John His*, *John Henry Ernst*, *John Michael Platz*, and *Rudolph Lemann*.

58. An act for naturalizing *Charles Frederick Hempel*, *James Janot*, *Christopher John Schultz*, *John Gottfried Klotz*, *Erdmann Christopher Riemann*, and *Bernhard Johann Fleischmann*.

59. An act for for dividing and inclosing the open fields and commonable places, in the parish of *Houghton on the Hill*, in the county of *Leicester*.

60. An act for dividing and inclosing *Walkden Moor*, and a part of a parcel of moss ground, called *Chatmoss*, within the manor of *Worsley*, in the county palatine of *Lancaster*.

61. An act for dividing and inclosing the open fields, common pastures, and other commonable places, in *Burton Overy*, in the county of *Leicester*.

62. An act for dividing and inclosing several lands and grounds, in the parish of *Aukborough*, in the county of *Lincoln*.

63. An act for dividing and inclosing several common fields, common meadows, and waste grounds, in the parish of *Emload*, in the county of *Worcester*.

64. An act for dividing and inclosing certain moors or commons, in the parish of *Woltingham*, in the county palatine of *Durham*.

65. An act for dividing and inclosing several open and common fields, common meadows, commons, and waste grounds, within the manor and parish of *Hartborn*, in the county of *Derby*.

66. An act for inclosing and dividing the open common fields, meadows, pastures, and common grounds, in the manor and parish of *Telford*, in the county of *Lincoln*.

67. An act for dividing and inclosing several open fields, meadows, and commons, within the lordship or liberty of *Wilford*, in the county of *Nottingham*.

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68. An act for dividing and inclosing the open and common fields, and all the commonable lands and grounds, in *Grimston*, in the county of *Leicester*.

69. An act for dividing and inclosing two moors, or commons, within the barony and manor of *Warke*, and parish of *Symondburn* in the county of *Northumberland*.

70. An act for dividing and inclosing certain open common arable fields, in the parishes of *North Cockerington* and *South Cockerington* in the county of *Lincoln*.

71. An act for dividing and inclosing certain open and common fields and grounds, within the several parishes of *Keelby* and *Stallingbrough*, in the county of *Lincoln*.

72. An act for dividing and inclosing the common fields, and common pasture, common meadow, common grounds, and waste grounds, in the manor and lordship of *Carlton upon Trent*, in the county of *Nottingham*.

73. An act for dividing and inclosing a certain common fen, in the parishes of *Aylackby* and *Dowlsby*, in the county of *Lincoln*; and for draining and improving the said fen; and also certain inclosed low grounds adjoining to the said fen.

74. An act for dividing and inclosing the fen grounds, moors, sheep-walks, woodings, sike closes, open and common fields, and other commonable lands and grounds, in the parish of *Bransdon*, in the county of the city of *Lincoln*.

75. An act for dividing and inclosing the open and common fields, common pastures, common meadows, common grounds, and waste ground, in the lordship and liberties of *Granburrow*, in the county of *Warwick*.

76. An act for dividing and inclosing the common fields, common pastures, common meadows, common grounds, waste grounds, and commonable lands, of and in the manor, parish, and liberties, of *Long Buckby*, in the county of *Northampton*, exclusive of that part of the hamlet of *Murcot* which lies in the said parish.

77. An act for dividing and inclosing a certain common moor, or tract of waste land, within the barony or manor of *Bulbeck*, in the county of *Northumberland*.

78. An act for extinguishing certain rights of common, in the parish of *Lutbam*, alias *Litcham*, in the county of *Norfolk*.

79. An act for inclosing and dividing the high and low commons of *Austerfield*, in the county of *York*.

80. An act for dividing and inclosing the several open arable fields, undivided inclosures, commons, and wastes, lying and being within the parish of *Wadworth*, in the west riding of the county of *York*.

81. An act for dividing and inclosing the several fields, meadows, pastures, commons, and waste grounds, within the hamlets of *Ashford* and *Sheldon*, in the parish of *Bakewell*, and county of *Derby*.

82. An act for dividing and inclosing the common fields, common meadows, and other commonable lands and grounds, in the manor and parish of *Elford*, in the county of *Stafford*.

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83. An act for dividing and inclosing a certain open common field, common pastures, common meadows, and waste grounds, in the manor and parish of *Somerton*, in the county of *Oxford*.

84. An act for dividing and inclosing the open and common field, common meadows, common pastures, common grounds, and commonable lands, lying within the township and hamlet of *Shutford*, in the parish of *Swalcliffe*, in the county of *Oxford*.

85. An act for dividing and inclosing certain commons, called *The High and Low Commons*, in the parish of *Tickhill*, in the counties of *York* and *Nottingham*.

86. An act for draining and improving certain low, marsh, and fen lands, lying between *Boston Haven* and *Bourn*, in the parts of *Kesteven* and *Holland* in the county of *Lincoln*.

87. An act for vesting part of the settled estates of *Dorothy* late countess dowager of *Burlington*, lying in the counties of *Middlesex*, *York*, and *Lincoln*, in trustees, to be sold and conveyed in manner therein mentioned; and for investing part of the money arising by such sale, in discharging a mortgage debt affecting the same premises, and the residue thereof in the purchase of other manors, lands, and hereditaments, to be settled to the same uses as the said settled estates do now stand limited, or so many of them as shall be then existing.

88. An act for vesting certain undivided parts or shares belonging to the honourable *John Saint John*, an infant, and *Edward Dering*, also an infant, of and in several messuages, lands, and hereditaments, in the isle of *Thanet*, in the county of *Kent*, in trustees, to be sold; and for laying out the money arising by the sale thereof, in the purchase of other lands, to be conveyed to the use of the said *John Saint John* and *Edward Dering*, respectively, and their respective heirs; and for other purposes therein mentioned.

89. An act for making the portions provided by the marriage settlement of Sir *George Trevelyan* baronet, and dame *Julia* his wife, for their younger children, vested interests, so that the same may be raised and paid, notwithstanding the deaths of such children in the life-time of their father; and for other purposes therein mentioned.

90. An act for vesting the barony or manor of *Shipbrook*, in the county of *Chester*, part of the estate of *Henry Vernon* esquire, comprized in his marriage settlement, in trustees, to be sold, for raising money to discharge the debts and incumbrances charged upon and affecting the same, previous to the said settlement; and for other purposes therein mentioned.

91. An act for selling part of the settled estates of *Robert Dolman* esquire in *Pocklington*, and elsewhere, in the county of *York*, for discharging the debts and incumbrances of himself and *Robert Dolman* the younger, his eldest son, affecting the same; and for making provision for *Robert Dolman* the younger, and for the younger children of *Robert Dolman* the elder.

92. An act for vesting part of the settled estates of *Christopher Crowe* esquire, in the county of *York*, in him in fee simple; and
for

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for settling other estates, in the same county, in lieu thereof.

93. An act for vesting the settled estate of *John Knowsley*, and *Elizabeth* his wife, in the county of *York*, in trustees, to be conveyed pursuant to certain articles for the purchase thereof; and for laying out the money thereby stipulated to be paid in the purchase of other lands, to be charged and settled in manner as therein mentioned.

94. An act for vesting certain estates, late of *Elizabeth Cary* widow, deceased, in the county of *Middlesex*, in trustees, in trust to sell and convey the same to *Robert Child* esquire, and for laying out the money arising by such sale in three *per centum* consolidated bank annuities, to be secured and transferred in manner therein mentioned; and for other purposes.

95. An act for divesting out of the heir at law, or other legal representative or representatives of *Edmund Neeler* deceased, the several freehold estates of the late *William Westbrook* esquire, deceased, in the counties of *Middlesex*, *Bucks*, *Kent*, and *Surrey*, and in the city of *London*; and for vesting the same in trustees, to be sold and conveyed to such persons as may already have contracted, or shall hereafter contract, to become the purchasers of any parts or shares thereof, under the directions of the court of *Chancery*.

96. An act for sale of the copyhold estates late of doctor *Robert Taylor*, deceased; and for laying out the money arising thereby, in the purchase of other lands and hereditaments, to be settled in lieu thereof; and for other the purposes therein mentioned.

97. An act to confirm and establish exchanges of land, at *Dorking* in *Surrey*, between *Charles Howard* esquire, and *Edward Walter* esquire; and between the said *Charles Howard*, and *Jonathan Tryes* esquire.

98. An act for vesting part of the real estate of *Mary Phelps* widow, deceased, given and devised by her will, in trustees, to be sold for payment of debts, legacies, and incumbrances.

99. An act for vesting several freehold and copyhold estates, in the several counties of *Essex*, *Suffolk*, *Bucks*, and *Middlesex*, and in the city of *London*, in trustees, for the sale thereof, in order to discharge the several legacies or portions bequeathed by the will of *William Hollingworth* esquire, deceased; and for other purposes therein mentioned.

100. An act for sale of the estates comprized in the marriage settlement of *John Bristow* esquire, in the county of *Norfolk*; and for applying the monies arising thereby in the purchase of other lands and hereditaments, to be settled to the uses contained in the said settlement.

101. An act for making a partition of divers lands and hereditaments, in the counties of *Lincoln* and *York*, late the estate of *Edward Ayscough* deceased, which, upon his death, belonged to his four daughters and co-heirs; and for settling the lands and hereditaments, to be allotted upon the said partition, to the

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several uses limited, of their several undivided shares thereof respectively.

102. An act for sale of the freehold estate late of *Amie Broxolme* widow, deceased, in the parish of *Saint George Hanover Square*; and for laying out the money arising by such sale, in the purchase of other freehold lands and hereditaments, to be settled in lieu thereof.

103. An act for naturalizing *Louisa Rudolphina Wale*, and *Georgy Wale*.

104. An act to naturalize *Benedict Paul Wagner*.

105. An act for naturalizing *Sabine Louijse Winn*.

106. An act for dividing and inclosing several lands and grounds, undivided inclosures, commons, and wastes, in or near the village or hamlet of *Marborough*, in the township of *Kimberworth*, and in the parish of *Rotherham*, in the county of *York*.

107. An act for dividing and inclosing the open and common fields, and common pastures, of *Scalford*, in the county of *Leicester*, and all the lands and grounds within the same fields.

108. An act for dividing and inclosing the open and common fields, common meadows, common pastures, and other commonable lands and grounds, in the parish of *Felmersham*, in the county of *Bedford*.

109. An act for vesting divers manors, lands, and hereditaments, in the counties of *York*, *Cumberland*, *Northumberland*, and *Durham*, late the estate of *Henry* earl of *Carlisle*, deceased, in trustees, to be sold and disposed of, in and for the payment of his debts, legacies, and incumbrances, and other the purposes in his will mentioned.

110. An act to enable *John* lord *Bellew*, baron of *Duleek*, in the kingdom of *Ireland*, more effectually to exercise his power, to raise certain sums therein mentioned, out of his settled estates in the said kingdom, for the portions of younger children.

111. An act for vesting the estate late of *Peter Wyche* esquire, at *Goadby*, alias *Godeby Marwood*, in the county of *Leicester*, in trust, to be conveyed to the most noble *John* marquis of *Granby*, or as he shall appoint; and for applying the purchase money in manner and for the purposes therein mentioned.

112. An act for dividing and inclosing the common fields, common pastures, common meadows, common grounds, and commonable lands, within the manor or manors, and parish of *Syresham*, otherwise *Siseham*, in the county of *Northampton*.

113. An act for dividing and inclosing certain common fields and waste ground, in the parish of *Braithwell*, in the county of *York*.

114. An act to enable *Jeremiah Rayment* the younger esquire, and his issue, to take and use the surname and arms of *Hadley*, pursuant to the will of *Robert Hadley* esquire, deceased.

115. An act for naturalizing *Henry de Missy*, and *Gabriel Le Royer*.

The END of the TABLE.

THE STATUTES at Large, &c.

Anno quarto GEORGII III. Regis:

CAP. I.

As aEt for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and sixty four.

Most Gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects, the commons Preamble of Great Britain, in parliament assembled, towards raising the necessary supplies to defray your Majesty's public expences, have freely and voluntarily resolved to give and grant unto your Majesty, the rates, duties, and impositions herein after mentioned; and do most humbly beseech your Majesty, That it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That within and throughout that part of Great Britain called England, Wales, and town of Berwick upon Tweed, &c. &c.

Malt act of 1 Geo. iii. further continued to 24th June 1763. — Malt in Scotland to pay 3d. per bushel. Mum 10s. per barrel. Cyder and perry made for sale, 4s. per hoghead. How these duties are to be raised. — 20,000l. to be raised in Scotland. Surplus to be added to the fisheries, &c. — This act to relate to the same day and time, as the act 1 Geo. iii. did. — Malt brought from Scotland by sea, to be entered at the port of landing; brought by land, to be entered at Berwick or Carlisle. — Cyder for distilling not chargeable. Distiller to give notice to the officer when he distils cyder. — Allowances for exportation of malt. 1 W. and M. On certificate of malt being exported, and security, allowance to be paid. Penalty on relanding, over and above the penalty of the bond, all the malt and treble the value forfeited. — Malt steeping for exportation to be kept separate till measured. Malsters to give notice to officers, &c. — Penalty on opening the locks, &c. after malt is measured, &c. — Malsters, on 24th June 1764, to clear out of their warehouses all malt within fifteen months. And so all future malsters. — Clauses in act 11 Anne and 6 Geo. i. 5s. per bushel penalty on all corn steeping or steeped for malt, which shall be found in the cistern or couch, so hard and compact as it could not be, unless the same had been forced together to prevent the rising. — 100l. penalty on fraudulently conveying from the cistern any steeping of corn, and mixing the same with other corn charged with duty in the couch; or fraudulently conveying the same away, so that no gauge of such corn can be taken in the couch. — Penalties how to be recovered. — Buyers of cyder or perry for their private use not to be charged. — Persons selling less than 20 gallons, to be deemed retailers. — Clause of loan at 4l. per cent. Tallies of

loan to be struck, &c. Orders registered and paid in course. No fee for registering, &c. Penalty for undue preference. No undue preference, where tallies are dated or brought the same day; nor if subsequent orders be paid before such as were not demanded in course. Orders assignable. — Commissioners of the treasury empowered to prepare any number of Exchequer bills of one common sum, or different sums, in the principal monies. — Bills to bear interest at 4l. per cent. per annum. These bills to be numbered arithmetically. Treasury to direct the course of payment for loans or Exchequer bills, and to appoint cheques &c. — The bills to be placed as cash in the Exchequer, and to be issued there-out in common with other monies, and to be current in the revenue. Receivers to exchange bills for ready money. — Tallies to be levied for bills lent into the Exchequer. — Interest to continue till payment. — Interest to cease whilst the bills are in the hands of receivers, &c. — Bills paid to receivers, &c. to be signed and dated. Interest to be allowed to the said days. — The bills may be reissued, both for principal and interest. — Receivers to keep a book. — Bills filled up by indorsements, or defaced, to be exchanged. — Bills not exceeding 5000l. each to be made forth at the Exchequer. — Forging Exchequer bills, felony. — How the monies arising by this act shall be applied. — Treasury on 29 Sept. 1765, to take an account of all monies raised and discharged. — Unsatisfied monies to be paid out of the next aid, or out of the sinking fund. — Commissioners to appoint persons to pay off principal sums, which shall from time to time be in course of payment upon Exchequer bills. — Money, as brought in, to be paid to the paymasters. — Bills to be registered in course. — When interest to cease. Paymasters liable to the controul of the treasury. — Treasury to settle salaries of clerks, &c. and to contract with persons to circulate bills, &c. — Contractors not disabled from being members of parliament: may lower or raise the interest with consent of the treasury. — Contractors how to be paid. — No fee to be taken. No interest for less than one penny. Charges to be paid out of the sinking fund: to be replaced out of the first supplies. — Clause of relief for bills lost or destroyed. — Bills discharged to be cancelled. — Sinking fund appropriated to discharge national debts incurred before 25 Dec. 1716. — Deficiency of malt tax 2 Geo. III. how to be supplied. — Arrears of former duties to be applied in aid of the supplies granted for the year 1764.

C A P. II.

An act for granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and sixty four.

Most Gracious Sovereign,

Preamble.

WE your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, taking into our serious consideration such expences as are absolutely necessary for supporting your Majesty's government, and being resolved to supply the same, have for that end and purpose cheerfully and voluntarily given and granted, and do by this act give and grant unto your Majesty, the several and respective rates and assessments hereafter mentioned; and we do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the sum of two millions thirty seven thousand eight hundred fifty four pounds, nineteen shillings,

2,037,854l.
19s. and 11d.
to be raised in
Great Britain

hillings, and eleven pence, shall be raised, levied, and paid unto his Majesty, within the kingdom of *Great Britain*, by such proportions, and in such manner and form; as hereafter in this act are expressed.

And it is hereby declared and enacted by the authority aforesaid, That, &c. &c.

1764, 900 l. 18 s. and 9 d. to be raised in England in one year from 25th *March* 1764. — Personal estates (except desperate debts, stock on land, household goods, and loans to his Majesty) to pay 4 s. in the pound. — Employments of profit (except military officers of the army or navy) to pay 4 s. per pound. — Pensions and annuities out of the Exchequer, &c. to pay, &c. — Lands, tenements, mines, &c. to be charged with equality and indifference, &c. — Lands, &c. subject to rent-charges, annuities, &c. — Commissioners of the land tax for the year 1763, to put this act in execution. — Commissioners to meet on or before the 30th of *April*, 1764, as by the act 4 W. and M. and may subdivide themselves, &c. — A list of the commissioners to act in each division, to be given to the receivers-general. — Commissioners, to summon fit persons to be assessors, who are to appear before them in eight days; and then to give them a charge. Persons absenting, or refusing to serve, forfeit, not exceeding 5 l. nor less than 40 s. Assessors to be two at least, and sufficient inhabitants. — Assessments to be brought in at a day and place prefixed. — The full sum charged to be assessed. — A certificate of the assessment to be brought in with the collectors names. — Assessors, &c. neglecting their duty to be fined not above 40 l. — Assessors to deliver one copy of the assessments to the commissioners. — Duplicates thereof to be signed, &c. and one delivered to the collectors, &c. with warrant for collecting. — Commissioners required to give collectors notice at what time and place the appeal of any person who shall think himself aggrieved by being over-rated, may be heard and determined. — A duplicate in parchment to be delivered, together with the names of the assessors and collectors, to the receiver-general; and one to the remembrancer's office, by 8th *August* 1764, or twenty days after (all appeals first determined). — Remembrancer to give receipts gratis on penalty of 10 l. — The rates to be levied on the parties, or premises; and to be paid to the receivers-general, &c. — The money collected to be paid to the receiver-general, or deputies; and they to give commissioners notice. — Collectors not obliged to travel above ten miles. — Removal or death of receiver-general to be notified to the commissioners. — 497, 475 l. 4 s. and 8 d. 1 q. for the first quarterly payment, to be paid to the receivers by 24th *June* 1764. the second payment by 19th *September* 1764. the third payment by 25th *December* 1764. the last payment by the 25th *March* 1765. — Receiver-general within a month after receiving the full sum charged, to give the commissioners a receipt: which shall be a full discharge for payment. Receivers-general within twenty days to pay the monies into the Exchequer; and to be allowed 2 d. in the pound. — Collectors to have 3 d. in the pound. Commissioners clerks to have three half pence in the pound. — Collectors may levy by distress, in case of refusal of payment. Distress to be kept four days at the owner's charge; then appraised and sold, and the over-plus returned, &c. Commissioners to determine differences about distress. For want of distress offender may be committed (except a peer or peers of *Great Britain*). — Tenants to pay the tax, and deduct so much out of the rents. — Tenants discharged for what they so pay. Commissioners to settle differences between landlord and tenant. Commissioners to cause all deficiencies to be reassessed, and made good. — Assessor refusing to serve, to forfeit not exceeding 40 l. fine; not to be discharged but by commissioners who imposed it; and levied by distress or imprisonment, and paid into the Exchequer, and inserted in the duplicates. — Collectors detaining the money, to be imprisoned, their estates seized and sold, &c. — Commissioners to examine whether the sums assessed be duly collected, &c. — In case of controversies in assessing commissioners, the

commissioners concerned to withdraw : in default to be fined, not above 20*l*. — No privileged place or person exempt from this tax. Fee-farm rents, &c. to be taxed. Tenants to pay the rates. — Colleges, &c. in the universities, &c. not chargeable : nor the houses or lands, which before the 25th of *March* 1693. did belong to Christ's-hospital, &c. nor corporation of clergymen's sons, *Bramley* college, or any other hospital or almshouse. — No tenants of hospitals, &c. to claim any exemption. — Such tenants not discharged, who by leases are obliged to pay taxes. — Commissioners to determine how far lands, &c. belonging to hospitals, &c. not exempted by name, ought to be charged. — All hospital lands &c. assessed by 4 *W*. and *M*. liable to this aid, and no other. — Receivers of fee-farm rents, &c. to allow 4*s*. per pound to the parties, without fee, on penalty of 20*l*. Auditors, &c. setting tenants *insuper* for what ought to be allowed, or refusing allowance, to forfeit 20*l*. — Such fee-farm rents only to have an allowance of 4*s*. per pound, as are answerable to the crown, or were purchased according to 22 and 23 *Car. ii*. The owners to allow the same to the party paying. — Lists of pensions &c. to be delivered gratis to the assessors. Taxes on pensions, &c. not paid, to be stopped in the Exchequer. A true account to be kept of the money spent. — Persons to be taxed in the parish where they dwell. — No proviso to lessen the full sum by this act to be levied. — Contracts between landlord and tenant, touching taxes, not to be avoided. — All places to pay, where usually assessed. — *West Barnfield* to be assessed in the lathe of *Skray*, Com. *Kent*. *Northmore*, Com' *Oxon*, in *Brampton*. *Charlbury*, &c. in *Chadlington*, *Leeds*, com' *Ebor*. in *Skyrac*. *Omberley*, &c. com' *Worcester* in *Osualdslow* hundred. Parish of *Yardley*, in *Halfshire* hundred. Forest of *Chute*, where the first 2*s*. aid was assessed. *Upton*, in *Perfbore* hundred. *Calder* and *Ayre*, at *Wakefield* and *Leeds*. — Inhabitants of apartments, &c. in *Somerjet* house, to be assessed in the same proportion with those in *Lancaster* liberty. — General issue. Treble costs. — Where lands &c. are unoccupied, and no distress found, collectors may distrain at any time after. — Wood may be cut down, and sold for distress (Timber-trees excepted) — Tithes, tolls, &c. not paid within six days after demand, &c. may be seized and sold. — Receiver general returning persons, who have paid the tax, to be in arrear, forfeits treble damages to the party grieved, and to his Majesty double the sum so returned. — Commissioners to assess the assessors. — None compelled to be assessors out of the limits of the city, &c. — Assessments on foreign ministers houses to be paid by the landlords. — In places extraparo-chial commissioners to nominate assessors and collectors, &c. — No commissioner, &c. liable to any other penalties than such as are inflicted by this act. — Commissioners not to act without taking the oaths by 1 *Geo. i*. &c. — acting before oaths taken forfeit 20*l*. — Officers to pay, where employed, &c. — Officers in chancery to be assessed in the rolls liberty. Annuities where rated. Pensions, where payable. Personal estates, where persons resident, &c. Persons not householders, where resident. Absent persons to be rated where they were last resident. — Goods, &c. to be assessed where they shall be. — Persons doubly rated, discharged on certificate. — Not to extend to *Scotland*, *Ireland*, *Jersey*, or *Guernsey*. — Persons avoiding the tax, charged treble. — Householders to give an account of their lodgers, on forfeiture of 5*l*. — Shares in the New river, &c. to pay 4*s*. per pound. Shares in the Fire offices, and in the lights, and the King's printing-house to pay 4*s*. per pound. Merchants, bank of *England*, post office, &c. to be paid by the governors. — Governors, &c. of the river-waters, and water-works refusing to pay, the collectors empowered to levy the sum by distress and sale. — Papists 18 years of age not taking the oaths 1 *W*. and *M*. to pay double : unless taken within ten days after the commissioners first meeting. — Persons of 18 years of age refusing the oath, to pay double. — Commissioners to summon suspected persons, &c. — Quakers to subscribe the declaration 1 *W*. and *M*. — Commissioners to double assess papists, where assessors omit. — Tenants discharged from double rates. — King's bench, Marshalsea prison, &c. to be assessed in *St. George's* parish, &c. — Officers of the Marshalsea

court refusing to pay, &c. collectors by warrant from commissioners may distrain. If no goods sufficient, officers to be imprisoned. — Fleet prison to be assessed in *St. Bride's*. — Officers at *Stoke Damrel*, near *Plymouth*, to be assessed within the town of *Plymouth*, &c. — Officers of the hospital at *East Stonehouse*, to be assessed also within the town of *Plymouth*. 20l. to be paid out of the sum assessed on the said officers, in aid of the assessment on *East Stonehouse*. — Water-works in *Southwark* to be assessed in *Surrey*. — Water-works in *Westminster* to be assessed there. Offices, &c. in *Whitehall* and *St. James's* to be there assessed. — Collectors of the water-works in *Colchester* chargeable. Collectors for the water-works in *New Windsor*, chargeable. — Patent officers to bishopricks to pay where assessed in 1693. — Commissioners appointed to act, without subdividing the parish of *St. Andrew Holborn*, in *Middlesex*. The parish of *St. George Hanover-square* to be charged with distinct *Quota* from the parish of *St. Martin's* in the fields. Debates arising concerning the joint *Quota*, the commissioners who are inhabitants of either parish to withdraw, or to be fined a sum not exceeding 20l. — The parishes of *St. John*, *St. Peter*, and *Berehington*, to be charged in *Dover* liberty, according to the assessment 4 W. and M. — Lands not worth 20s. per annum not chargeable. — Collectors keeping monies in their hands, to forfeit 40l. — Receiver-general misapplying the monies to forfeit 500l. — Commissioners of the treasury, &c. not to divert the payments into the Exchequer. — *No Noli prosequi*, &c. in any suit against this act. — Commissioners to abate, where lands are over charged, and to re-assess, &c. or raise it on persons undercharged. — Receiver-general answerable for deputies. Sub collector not to travel above ten miles, &c. Receivers not nominating deputies, &c. to forfeit 100l. — Commissioners for the county at large may act for any city, &c. — Mayors, bailiffs &c. to act as commissioners specially appointed. — Members of parliament to be taxed at their mansion-houses. — First meeting for the West riding of *York* at *Pontefract*; North riding, at *Thirsk*; East riding at *Beverley*. — No commissioner capable to act in any county at large, unless rated at 100l. per annum (*Marieseth, Cardigan*, &c. excepted) Commissioners for *Anglesea*, &c. to act, if rated at 60l. per annum. — Commissioners, may act for any city, being inhabitants, or inns of court, &c. Attornies &c. not to be commissioners, without possessing 100l. per annum. No commissioner of the city of *London*, or liberty of *St. Martin le grand* to act, unless rated at 20l. per annum of his own estate, &c. — No commissioner of the city, &c. of *Westminster* to act, unless rated at 20l. per annum of his own estate. — Persons disabled presuming to act, to forfeit 50l. — Collectors of the new water-works in *Exon*, chargeable. — Her Majesty the Queen not chargeable; nor her royal Highness the Princess dowager of *Wales*; nor his royal Highness the Duke of *Cumberland*, nor the princess *Amelia*. — Superannuated sea-officers not to pay, &c. nor poor knights of *Windsor*. — Residentiaries, in what cases not chargeable; nor 100l. per annum to the poor clergy of the isle of *Man*; nor pages of honour. — Receivers-general to give notice of failures in payment of the taxes. — Commissioners for *Lincoln* to act in *Lincoln-shire*; and, for the county, in *St. Martin* in *Stamford* baron. — Auditor to keep a register, &c. — Deputies to pay for principals, and on nonpayment liable to distress. — Receiver-general to give a list of money received by him, at the time and place appointed. On refusal to forfeit any sum not exceeding 20l. — Collectors may keep so much money as any two commissioners judge reasonable. — No receiver to return an *insuper* upon any county, &c. after three years for monies in arrear; but the same to be a debt on him and his securities. — Sheriff, on writs of *disfranchising*, to return issues after the rate of 5l. per cent. of the sum set an *insuper*; and proceeds to issue thereupon, &c. — Water-works in *Shrewsbury* chargeable. — Who shall have the benefit only of overplus sums unchanged. — Clause for the ease of protestants, to whom lands, &c. have come, which have been doubly taxed. Where lands doubly taxed are liable only to a single assessment; commissioners on complaint to examine into the truth thereof, and to certify the same to the barons of the Exchequer, before

fore 29th September, 1764; who are to discharge the sums before the last day of November 1764. Certificates of the sums discharged to be produced to the commissioners at their next meeting. — Commissioners may summon collectors, who have converted land-tax monies to their own use, or their heirs, &c. and on examination may issue their warrants for paying such monies to his Majesty's use. — The payments made according to the commissioners warrants, &c. shall be discharges to the collectors, or their heirs, &c. — Collectors not paying, may be imprisoned, and their estates seized and sold. — Arrears of former land-taxes to be levied by the present commissioners. — No receiver-general, or his agents, may sue the county for a robbery, unless the persons carrying the money be in company, and three at least in number. — Tolls or duties on turnpikes, not chargeable by this or any former act. — Commissioners may, before 29th September 1764, summon assessors; who have not charged their estates since 6th May 1717, and examine them upon oath, and award satisfaction, to be levied and paid to the collectors. — Commissioners, &c. to distinguish and set down the gross sums assessed for double taxes, to be transmitted in the Exchequer. — Assessments on the town of Cambridge to be raised on manors, &c. and on fishings, &c. on the river Cam. — On whom and when, yearly assessments on fairs, &c. to be collected. Distress on default of payment how to be levied. Tenants of booths, &c. to pay the rates, and deduct them out of their rents, &c.

47,954*l.* 1*s.* 2*d.* to be raised in Scotland, by an 8 months cess of 5,994*l.* 5*s.* 1*d.* 3*q.* per mensent, to be rated as the tax roll now is, or shall be settled by themselves. — The first two months cess to be paid by 24th of June 1764, second, 29th September 1764, third 25th December 1764, fourth 25th March 1765. — Commissioners for putting this act in execution in Scotland, the same as for the act 2 Geo. iii. &c. And execution to be done as by the said act. First meeting to be at the head burghs on 30th April 1764. — All clauses in former acts relating to the bringing in the cess, &c. to be in full force. — No persons in Scotland, holden to produce their receipts after 3 years. — Debtor owing money in Scotland at 6 per cent. to retain a 6th part of 6 per cent. from 11th Nov. 1763, to 11th Nov. 1764. 47,954*l.* 1*s.* 2*d.* to be raised free of all charges, and to be paid at Edinburgh. — No person to be a commissioner of the land tax in Scotland, who is not enfeoff of 100*l.* Scots, per annum real rent in the county where he acts. Exception. Commissioners in Scotland to take the oaths, and subscribe the assurance. — Provost, &c. of any royal borough may act as a commissioner. — Clause of loan at 4*l.* per cent. — Tallies of loan to be struck, &c. Orders registered and paid in course. No fee for registering, &c. Penalty for undue preference. — No undue preference, where tallies are dated or brought the same day; nor if subsequent orders be paid before such as were not demanded in course. — Orders assignable. — Commissioners of the treasury empowered to prepare any number of Exchequer bills of one common sum, or different sums, in the principal monies. Bills to bear interest at 4*l.* per cent. per annum. These bills to be numbered arithmetically. — Treasury to direct the course of payment for loans or Exchequer bills, and to appoint cheques, &c. — Land tax. The bills to be placed as cash in the Exchequer. — Clauses in the malt tax act relating to Exchequer bills extended to this. — How the monies arising by this act shall be applied. — Treasury on the 29 Sept. 1765, to take an account of all monies raised and discharged. — Unsatisfied monies to be paid out of the next aid, or out of the sinking fund. The monies to be replaced out of the first supplies. — Deficiency of the land tax 2 Geo. iii. how to be supplied.

C A P. III.

An act for punishing mutiny and desertion; and for the better payment of the army and their quarters.

Preamble.

WHEREAS the raising or keeping a standing army within this kingdom, in time of peace, unless it be with consent of par-

parliament, is against law: and whereas it is judged necessary by his Majesty, and this present parliament, that a body of forces should be continued for the safety of this kingdom, the defence of the possessions of the crown of Great Britain, and the preservation of the balance of power in Europe; and that the whole number of such forces should consist of seventeen thousand five hundred and thirty two effective men, including two thousand seven hundred and thirty nine invalids: and whereas, during the late just and necessary war in which his Majesty has been engaged against France and Spain, some part of his Majesty's forces, exceeding the number aforesaid, has been employed in distant parts beyond the seas, which must render the time when such forces may return home uncertain; some of which are intended to be broke, and others reduced, as soon after such arrival as conveniently may be: and whereas no man can be fore-judged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgment of his peers, and according to the known and established laws of this realm; yet nevertheless, it being requisite for the retaining all the before-mentioned forces in their duty, that an exact discipline be observed, and that soldiers who shall mutiny, or stir up sedition, or shall desert his Majesty's service within this realm, or the kingdom of Ireland, Jersey, Guernsey, Alderney, and Sark, or the islands thereto belonging, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and

Number of
forces, 17,532,
including
2,739 invalids.

After 24 March 1764, during the continuance of this act, every officer and private man, who shall mutiny or desert, &c. or lift in any other regiment, &c. or shall be found sleeping on, or shall desert his post, or hold illegal correspondence with the enemies of his Majesty, or shall strike, or disobey, his superior officer; shall suffer death, or such punishment as a court-martial shall inflict. — The King may grant commission to hold a court-martial, &c. — Court-martial may inflict corporal punishment for immoralities, &c. — General court-martial not to consist of less than 13, and the president to be a field officer, or officer next in seniority, not under the degree of a captain. — May administer an oath to witnesses, — Officers to be sworn. The oaths. — The judge-advocate to be sworn. The oath. — In sentences of death, nine officers to concur, &c. Hours of trial. — The party tried, intitled to a copy of the sentence and proceedings of the court-martial. — Original proceedings, &c. of courts-martial to be transmitted to the judge-advocate general in London, &c. — None to be tried a second time for the same offence, except in case of appeal. — This act not to exempt soldiers from ordinary process. — Penalty on false certificates to excuse soldiers from musters. — Penalty on officers making false musters, &c. — Fictitious names allowed by his Majesty's order upon the muster-rolls for the maintenance of officers widows, not to be construed a false muster. — Muster-master to give notice of muster to a mayor, &c. Penalty on neglect. Muster-rolls to be signed by the mayor, &c. — Penalty on persons offering themselves to be falsely mustered. — Horses falsely mustered, to be forfeited, &c. — Forfeiture how to be levied. — Officer embezzelling, &c. military stores, to be cashiered, and forfeit 100l. and the damage to be made good by sale of his goods and chattels; for want of distress the person to be committed. Application of the forfeiture. — Muster-master taking a muster, to make oath. The oath. — Muster-rolls though transmitted

without the oath indorfed to the pay-mafters general, to be good vouchers to the auditor. — Penalty on agents, &c. detaining officers or foldiers pay. Weekly rates. Penalty on agents difobeying orders. — Surgeon, &c. within ten miles of *London*, &c. to certify who are fick; and commanding officers, who are employed in raifing recruits. — Penalty on officers muftering perfons by wrong names. — Conftables, &c. to quarter officers and men in inns, alehoufes, &c. but in no diftillers houfes, or fhopkeepers, or in any private houfes. Penalty on conftables, &c. quartering foldiers in private houfes, &c. and on officers quartering foldiers contrary to this act, &c. Perfons aggrieved by being quartered on, may complain to any juftices and be relieved. — No juftice having any military office, to be concerned in billeting his foldiers. — Officers and foldiers to pay rates for their provifions. — What inn-holders may allow men quartered on them inftead of meat. — Penalty on officers taking money to excufe the quartering. — Dragoons, &c. and their horfes to be billeted in the fame houfe. — Manner of changing men and horfes. — Clause relating to a foldier's fettlement for his wife and children. — Officers, &c. to be quartered in *Scotland*, as the laws in force at the union direct. — No pay-mafter, &c. to make deductions out of officers or foldiers pay. — Exceptions. — Treafury may iflue out the money due for clothing every two months. Pay-mafters to deduct the off-reckonings. — Officers to give notice to inn-keepers of fubfiftence-money in their hands. Rates of fubfiftence to be paid to inn-keepers, &c. for foldiers quarters. Penalty on officers not paying fubfiftence-money. — On non-payment of quarters the officer to make up accounts, &c. — No mufter in *Wefminfter*, &c. but in the prefence of two or more juftices. — Conftables, &c. may billet foldiers in *Wefminfter*, &c. Petty conftables, &c. to quarter foldiers in their refpective divifions. — Conftables, &c. to deliver lifts at quarter-feflions, on oath, of inhabitants, and foldiers quartered in their refpective divifions; to be infpected without fee. Copies of fuch lifts to be wrote by the clerk at 1d. per fheet, containing 150 words. Penalty on default. Penalty on giving defective lifts. How to be levied. — This act to extend to *Jerfey*, &c. — Mufter-rolls to be clofed on day of mufter, and returned to the pay-mafter of the forces, &c. Penalty. — Juftices may order conftables to provide carriages. Rates for carriages. Penalty on officers forcing waggons to travel more than one day's journey, &c. — Penalty on conftables, &c. neglect. — Treafurers of the county to repay the conftables extraordinary charges. — The money for thofe purpofes how to be raifed. — No waggon, &c. to carry above 30 hundred weight. — Carriages in *Scotland* how to be provided. — Soldiers wives, &c. not to be quartered without confent. Penalty. — Penalty on officers or foldiers destroying the game. — How the account of every regiment fhall be kept. — Penalty on pay-mafter, &c. — Penalty on colonels. — Non-commission officer embezzelling the foldiers pay, &c. to be reduced, &c. — Juftices may commit deferters. — Reward for taking-up deferters. — Penalty on perfons concealing deferters, or buying their arms, clothes, &c. — Penalty on officer breaking open houfe without warrant. — His Majefty empowered to make articles of war. — None to be adjudged of life or limb, but for crimes expreffed to be fo punifhab by this act. — Deferters beyond fea, &c. may be tried here or in *Ireland*. — This act to extend to deferters, &c. in *Ireland*, &c. Perfons acquitted by the civil magiftrate may only be cashiered by a court-martial. — Perfons accused of capital crimes, &c. to be delivered over to the civil magiftrate, &c. — Pay-mafters, &c. to account with executors. — Perfons fued may plead the general iflue. Treble cofts. — All fuits to be brought in fome of the courts of record at *Wefminfter*, or *Dublin*, or the court of feflion in *Scotland*. — Continuance of this act. — Penalties againft the act 1 Geo. i. where to be fued for. — No volunteer liable to procefs, unlefs for fome criminal matter, or unlefs for a real debt of the value of 10l. Oath of the debt to be made before a judge, and marked on the back of the procefs. Plaintiff may file a common appearance. — Penalty on taking money to excufe any perfon from quartering; or victuallers refufing to quarter foldiers. — Juftices may order conftables to give an account of the number of foldiers quartered, &c. — How troops

troops are to pay in passing over ferries in Scotland. — Clause for relief of persons hastily enlisting themselves. Persons refusing the said relief to be proceeded against, as if duly listed. — Offences against former mutiny acts punishable by this act. — None liable to be tried or punished for offences against former acts, unless committed within three years; except for desertion. — Officers, &c. of the train of artillery subject to this act. — American troops acting in conjunction with British forces, liable to the same martial laws. — Officers and soldiers of the American troops sent over to Great Britain to be quartered and billeted as the British forces, and under the same regulations and penalties. — This act not to extend to the militia farther than is directed by the militia laws.

CAP. IV.

An act for exhibiting a bill in this present parliament, for naturalizing his highness the hereditary prince of Brunswick Lunenburg.

WHEREAS the King's most excellent majesty (whom God long preserve) hath been pleased to the universal joy and satisfaction of his people, and for the better strengthening the protestant interest in Europe, to give his eldest sister, her royal highness the princess Augusta, possessing the most exalted virtues, and adorned with all possible accomplishments, in marriage to his highness the hereditary prince of Brunswick Lunenburgh, distinguished by the most-heroick qualities, which have, from his early youth, rendered him illustrious over all Europe, and endeared him to this nation: and whereas a more grateful proof of the esteem and affection of this kingdom cannot be given to his highness, than, by an act of naturalization, to make him capable of enjoying those rights and liberties which are enjoyed in these kingdoms: and whereas by an act made in the seventh year of the reign of King James the First, every person is required to receive the sacrament of the Lord's supper, within one month before any bill for naturalization be exhibited, and also to take the oaths of supremacy and allegiance in the parliament house, before his or her bill be twice read: and whereas by an act passed in the first year of his majesty King George the First, it was enacted, That no person shall be naturalized, unless, in the bill exhibited for that purpose, a clause, or particular words, be inserted, to declare that such person shall not thereby be enabled to be of the privy council, or a member of either house of parliament, or to take any office or place of trust, either civil or military, or to have any grant of lands, tenements, or hereditaments, from the crown, to himself, or any other person in trust for him; and that no bill should, from thenceforth, be received in either house of parliament, unless such clause, or words, be first inserted or contained therein; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, That a bill for the naturalization of his highness the hereditary prince of Brunswick Lunenburg, without the clause, or particular words, directed by the said last recited act to be inserted, and without his receiving the sacrament, or taking the oaths by the first recited act required, shall and may be exhibited and brought into this parliament, and twice read; Clauses in act 7 Jac. 1.

and 1 Geo. 1.

Leave given for exhibiting a bill for naturalizing his highness the hereditary prince of Brunswick Lunenburg, without inserting the clause, &c. in

the last recited act, or other-
wisequalifying himself according to the first recited act.

CAP. V.

An act for naturalizing his highness, Charles William Ferdinand, hereditary prince of Brunswick Lunenburg.

Preamble.

WHEREAS the King's most excellent majesty, whom God long preserve, has been pleased, to the universal joy and satisfaction of his people, and for the better strengthening the protestant interest in Europe, to give his eldest sister, her royal highness the princess Augusta, possessing the most exalted virtues, and adorned with all possible accomplishments, in marriage to his highness Charles William Ferdinand, hereditary prince of Brunswick Lunenburg, distinguished by the most heroic qualities, which have, from his early youth, rendered him illustrious over all Europe, and endeared him to this nation: and whereas a more grateful proof of the esteem and affection of this kingdom cannot be given to his highness, than, by an act of naturalization, to make him capable of enjoying those rights and liberties which are enjoyed in these kingdoms: We therefore, your Majesty's most dutiful and loyal subjects, the lords spiritual and temporal, and commons, in parliament assembled, do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That his said highness *Charles William Ferdinand*, hereditary prince of *Brunswick Lunenburg*, be, to all intents and purposes whatsoever, deemed, taken, and esteemed, a natural-born subject of this kingdom, as if the said prince had been born within this realm; any law, statute, matter, or thing whatsoever, to the contrary notwithstanding.

His highness
Charles Wil-
liam Ferdi-
nand, here-
ditary prince
of Brunswick
Lunenburg,
deemed a na-
tural-born
subject.

CAP. VI.

An act to continue, for a limited time, the free importation of tallow, hogs lard, and grease, from Ireland.

Preamble.

WHEREAS the permitting the free importation of tallow, hogs lard, and grease, from Ireland, into this kingdom, hath been found useful and beneficial, and that the time allowed for that purpose is near expiring, and it is expedient that the same should be prolonged; May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the thirty second year of the reign of his late majesty King George the Second, intituled, *An act to discontinue, for a limited time, the duties payable upon tallow imported from Ireland*; and also an act made in the first year of his present Majesty's reign, for extending the said first-mentioned act to hogs lard and grease; which have continuance till the first day of May, one thousand seven

Act 32 Geo. II.

& 1 Geo. III.
farther con-
tinued to 1
May, 1769.

1769.

hundred and sixty four, and to the end of the next session of parliament, shall be, and the same are hereby further continued, from the expiration thereof, until the first day of *May*, one thousand seven hundred and sixty nine, and to the end of the next session of parliament.

C. A. P. VII.

An act to explain and amend such part of an act made in the last session of parliament, (intituled, An act for granting to his Majesty several additional duties upon wines imported into this kingdom, and certain duties upon all cyder and perry, and for raising the sum of three millions five hundred thousand pounds, by way of annuities and lotteries to be charged on the said duties) as relates to cyder and perry made in this kingdom.

WHEREAS by an act made in the last session of parliament, Preamble, re-citing clauses in the cyder act of the last session. intituled, An act for granting to his Majesty several additional duties upon wines imported into this kingdom, and certain duties upon all cyder and perry, and for raising the sum of three millions five hundred thousand pounds, by way of annuities and lotteries to be charged on the said duties; a duty of four shillings per hoghead was, from and after the fifth day of July, one thousand seven hundred and sixty three, granted upon all cyder and perry which should be made in Great Britain, to be paid by the maker thereof, over and above all other duties then payable for cyder or perry: and it was thereby directed, that the amount of the said duty should be paid within the space of six weeks, to be computed from the time of making the charge, in manner therein mentioned, by the officer or officers of excise; and all makers of cyder and perry were thereby authorized to compound for the said duty, after the rate therein mentioned, in respect of the cyder and perry to be consumed in their own private families only, in such manner, with such exemptions, privileges, and advantages, and under such regulations, as are in the said act allowed and provided: and whereas it would be a great relief to the persons subject to the said duty, or to the composition in lieu thereof, many of whom are industrious persons with large families, if the time for payment of the said duty were enlarged, and the composition of five shillings, authorized to be made by the said act, were lowered; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the fifth day of July, one thousand seven hundred and sixty four, in lieu and instead of the time of six weeks, limited by the said act for the payment of the said duty on cyder and perry, the space of six calendar months shall be and is hereby allowed for the payment of the said duty, to be computed from the time of making the charge thereof; and the said duty shall, from and after the expiration of the said six months, be recovered and levied in such manner, as the same could or might have been recovered and

The time limited by the former act for payment of the duties, extended to 6 months; when they may be recovered and levied, as there-by directed.

and levied by virtue of the said former act, at or after the expiration of the said time therein limited for payment thereof.

In lieu of the former composition,

Officers of excise are authorized to compound with private families,

at the rate of 2s. per head per annum, for each person of 8 years old and upwards, in the lists delivered in to them.

Composition to be renewed annually;

and in case of an increase in the family during the year, an additional list is to be given in, and 2d. per month paid for every person added, during the subsisting unexpired term of such year. Compositions to be applied as the duties. Other parts of the recited act relating to compositions, continued in force.

II. And be it further enacted by the authority aforesaid, That from and after the fifth day of *July*, one thousand seven hundred and sixty four, when any person, being a maker of cyder or perry within this kingdom, shall be desirous of compounding for the said duty on cyder and perry to be consumed in the private family of such person only, it shall be lawful for the commissioners of excise for the time being in *England* and *Scotland* respectively, as the case may be, or the major part of such respective commissioners, or such person or persons as they, or the major part of them, shall respectively appoint for that purpose, and, in default of such appointment, then for the collector and supervisor for the district and division within which the person desiring to make such composition doth or shall inhabit (and the said commissioners of excise, and the persons so to be appointed by them, and in default thereof such collector and supervisor as aforesaid, are hereby respectively required) upon receiving from such person an exact list, signed by him or her, of the several persons of the age of eight years and upwards whereof his or her family consists (specifying their christian and surnames therein) to compound and agree with every person so delivering in such list, for and in lieu of the duty of four shillings granted by the said act on cyder and perry to be consumed in his or her own private family only, at the rate of two shillings *per annum* for each person which shall be mentioned in such list, in lieu and instead of the composition of five shillings authorized to be made by the said act; which composition, after the rate of two shillings as aforesaid, shall last for one year, and be renewed annually; and the money arising thereby shall be paid down at the respective times of making the composition: and in case the family of any person making the composition shall be increased at any time during the year compounded for, then every person whose family shall be so increased shall deliver in an additional list, containing the names of the several persons of the age of eight years and upwards added to the family, and shall then also pay down a proportionable composition for the persons so added; *videlicet*, two pence for each calendar month that shall be unexpired of the year for which his or her composition was made, for each and every person so added; and in like manner, fresh lists shall be delivered, and compositions made accordingly every year; and that the monies arising by the said compositions shall be applied in such manner, and for such purposes, as the duties granted by the said act were thereby directed to be applied: and all parts of the said act (not hereby altered) relating to the compositions thereby authorized to be made for the said duty, and also to the persons compounding in pursuance of the power thereby given, and for preventing and punishing all frauds with respect to the said compositions, and for securing the said duty, shall take effect, and be in full force, applied, and put in execution, with respect to the composition hereby allowed to be made,

made, and to all persons compounding under the authority of this act, and for preventing and punishing all frauds in relation thereto, and for securing the said duty, as fully and effectually, to all intents and purposes, as if such parts of the said act were herein specially repeated, re-enacted, and applied to this present act.

III. And be it further enacted by the authority aforesaid, That from and after the fifth day of *July*, one thousand seven hundred and sixty four, all and every person and persons, not being a compounder or compounders, who shall intend to make any cyder or perry at or with any mill, press, or other utensil whatsoever, not being the property of such person or persons, but of any other person or persons, whether compounding or not compounding for the said duty, shall, ten days at the least before he, she, or they shall begin to make cyder or perry, make a true and particular entry in writing, at the office of excise next to the place where such cyder or perry shall be intended to be made, of his, her, or their respective name or names; and of every mill, press, and other utensil so intended to be employed; and of the name or names of the owner or owners thereof; and also of every storehouse, warehouse, cellar, or other place wherein such maker or makers intend to lay or keep such cyder or perry: and if any such maker or makers shall make use of any other mill, press, utensil, storehouse, warehouse, cellar, or other place whatsoever, either for the making, laying, or keeping, any cyder or perry, without having made such entry as aforesaid, or an entry thereof, in pursuance of the said former act, he, she, or they shall respectively forfeit and lose the sum of twenty five pounds for every such offence: and all and every the officers of excise shall, at all times in the day-time, be permitted, upon their request, to enter the millhouse, storehouse, warehouse, cellar, and all other places whatsoever used by any such maker or makers as aforesaid, either for the making, laying, or keeping of cyder or perry, of which notice shall or ought to have been given in pursuance of this act; and to gauge and take an account of all the cyder or perry which shall be there found, and shall thereof make return or report in writing to the respective commissioners of excise in *Great Britain*, or such other person or persons as they shall respectively appoint to receive the same, leaving a true copy of such report in writing under his or their hand or hands, with or for such maker or makers of cyder or perry; and such report or return of the said officer or officers shall be a charge upon such maker or makers of cyder or perry; and the amount of the duties thereby charged shall be paid by such maker or makers respectively, within such time as is by this act appointed.

IV. Provided always, and be it further enacted by the authority aforesaid, That from and after the said fifth day of *July*, no owner or proprietor whatsoever of any mill, press, or other utensil for the making of cyder or perry, which shall be let out or lent to any other person for the purpose of making cyder or perry, shall be obliged to give any notice of the letting or lending

Makers of cyder at other presses than their own, not being compounders, are to enter their names at the next office of excise, 10 days previous to such making;

together with the mills, and owners thereof; and the cellars or storehouses for keeping such cyder. Penalty of their using any unentered mill, storehouse, &c. 25l.

Officers to have free access to the said mills, storehouses, &c. in the day-time,

to gauge the cyder, &c. to make and report the charge, leaving a copy with the maker;

who is to pay the duty according to such charge.

Proprietors of cyder mills, &c. so lent out, not obliged to give notice thereof.

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ing such mill, press, or other utensil, or of the making cyder or perry therewith, by the person to whom the same shall be so let or lent; any thing in the said former act contained to the contrary thereof in any wise notwithstanding.

Where the compounder intends to sell or dispose of cyder, &c. immediately from the mill,

the officer is to deliver to him blank certificates and counterparts for the purpose, to be filled up occasionally;

which shall protect the removal of such cyder.

The counterpart to be filled up and signed, at the same time with the certificate; and to be returned to the officer. Receipt to be given for the certificates.

The certificates and counterparts not used, to be produced when called for. The quantities sold, &c. and certified for, to be verified on oath.

V. And, for the better accommodation of such makers of cyder or perry, who shall compound for the duty on cyder and perry granted by the said recited act; be it further enacted by the authority aforesaid, That from and after the fifth day of *July*, one thousand seven hundred and sixty four, when any such maker shall intend to sell or dispose of any cyder or perry immediately from the mill pound's mouth, or place where the same shall be made, the officer of excise of the division or place where such makers shall reside, shall, and he is hereby required, during the time of making cyder or perry only, and at no other time, to deliver to, and leave with such maker, if demanded, in writing, a sufficient quantity of blank certificates, numbered one, two, three, and so on in an arithmetical progression, to be filled up by such maker, and subscribed by him or her, who shall express in each of the said certificates that shall be filled up, the exact number of gallons of cyder or perry intended to be sent therewith, and the number of casks or package containing the same, and the place to which, and the name and place of abode of the persons to whom, such cyder or perry is to be sent, and the time when such certificate is filled up; which certificate (provided it accompanies the quantity of cyder or perry mentioned therein) shall be a sufficient protection for the removal of such cyder or perry, immediately from the mill pound's mouth, or place where the same shall be made; and that the officer of excise, at the same time that he delivers any quantity of blank certificates to any such maker as aforesaid, shall also deliver to such maker a like quantity of blank counterparts of such certificates, bearing the same numbers with the certificates; and such maker is hereby required, whenever he fills up the blanks of any certificate for the removal of cyder or perry, as aforesaid, at the same time to fill up and subscribe the blanks of the counterpart thereof, in all particulars agreeable to the certificate; and such maker shall, at the time of the delivery of the said blank certificates and counterparts, give a receipt to the officer of excise, delivering the same, acknowledging that he or she hath received so many blank certificates and the counterparts thereof numbered as aforesaid; which counterparts so filled up shall be returned by such maker to the respective officer of excise whenever he shall require the same; and such maker shall then also shew to the officer all the certificates and counterparts not used or filled up, to the end the officer may then know what number of certificates have been filled up; and such maker shall, at the respective times when he or she shall deliver up such counterparts so filled up, from time to time declare upon oath (or affirmation if a *quaker*) to be administered by the supervisor of excise of the division or district where such maker resides, that the several quantities of cyder and perry specified in the several counterparts

parts so directed to be delivered up, contain the whole quantities of cyder and perry which he or she shall have sold or disposed of, from his or her mill pound's mouth, or place where the same was made: and the respective officers of excise within their several divisions are hereby required, from time to time, from the several counterparts of such certificates so filled up, sworn to, and delivered as aforesaid, to make returns or reports in writing, of the several quantities of cyder and perry sold or disposed of as aforesaid by every such maker respectively, to the respective commissioners of excise in *Great Britain*, or such other person or persons as they shall respectively appoint to receive the same, leaving true copies of such report in writing, under his or their hand or hands, with or for such respective maker; and such returns or reports of the said officer or officers, shall be the charges upon such respective makers of cyder or perry; and the amount of the duties thereby charged, shall be paid respectively by such makers to the respective collectors of excise, within whose collection such makers shall dwell and inhabit, or to such other person or persons as the said respective commissioners of excise shall respectively appoint to receive the same, within the space of six calendar months, to be computed from the time of making such charge: and if any such maker of cyder or perry shall neglect or refuse to deliver to the officer of excise, when required, all the counterparts of certificates then filled up, or to declare upon oath or affirmation as aforesaid, or to shew to the officer all the certificates and counterparts not used or filled up, or shall sell or dispose of more cyder or perry from the mill pound's mouth or place of making, than is mentioned in such counterparts so delivered up, or shall fraudulently insert in the blank of either counterpart or certificate, a greater or less quantity of cyder or perry than is really sent with such certificate; every such maker offending in any of the said cases, for every such offence shall respectively forfeit and lose the sum of twenty five pounds; and that no certificate to be filled up by any such maker, shall be in force for the removal of cyder or perry immediately from the mill pound's mouth or place of making, but between the first day of *September* and the thirty first day of *December*, in each year; and that every such maker shall, every year, within ten days next after the thirty first day of *December* in each year, deliver, or cause to be delivered, to the officer of excise of the division or place where he or she resides, all the blank certificates and counterparts thereof which have not been filled up by such maker; and if any such maker of cyder or perry shall neglect or refuse, by the space of ten days next after the thirty first day of *December*, in any year, to deliver, or cause to be delivered, to the proper officer of excise, all the blank certificates and counterparts thereof which have not been filled up by such maker, every such maker shall, for every such offence respectively forfeit and lose the sum of twenty five pounds.

VI. And be it further enacted by the authority aforesaid, That if, from and after the said fifth day of *July*, any person or per-

Returns to be made, and duties charged, from the counterparts.

Copy to be left with the maker,

who is to pay the duty accordingly within 6 months from thence.

Maker not complying with these regulations, or being guilty of any fraud,

to forfeit 25l.

Certificates for removal of cyder from the mill, to be in force, but between 1 Sept. & 31 Dec. yearly.

Blank certificates and counterparts to be delivered up within 10 days after,

on penalty of 25l.

Penalty of obstructing an officer in his duty 50l.

persons whatsoever shall assault, oppose, molest, or hinder, any officer or officers of excise in the due execution of any of the powers or authorities given and granted by this act; all and every the party or parties so offending shall, for every such offence respectively, forfeit and lose the sum of fifty pounds.

Officers not doing their duty in any of the premises,

VII. And be it further enacted by the authority aforesaid, That if any officer of excise shall refuse or wilfully neglect to leave a true copy of his report in writing, with the maker or makers of cyder and perry, as this or the said former act direct, or to grant a certificate for the removal of any cyder or perry, upon reasonable request made for that purpose; or if any maker of cyder and perry authorized and empowered by this present act to compound and agree for and in lieu of the duty granted by the said former act, shall offer to make such composition and agreement, and if such officer of excise, shall refuse or wilfully neglect to accept such composition and agreement as this present act directs; every such officer of excise so refusing or wilfully neglecting, shall, for each refusal or neglect, forfeit and pay the sum of forty shillings; which forfeiture and penalty shall and may be sued for, levied, recovered, and applied, in like manner as the other forfeitures and penalties imposed by this or the said former act, may be sued for, levied, recovered, and applied.

forfeit 40s.

Recovery and disposition of the penalties.

VIII. And be it further enacted by the authority aforesaid, That the several penalties imposed by this act, shall and may be sued for, recovered, levied, mitigated, and disposed of, by the same ways, means, and methods, and in the same proportions as any penalty imposed by the said recited act may be sued for, recovered, levied, mitigated, or disposed of.

General issue.

IX. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time or times be sued, molested, or prosecuted for any thing by him, her, or them done or executed in pursuance of or by colour of this act, or of any matter or thing in this act contained, such person or persons shall and may plead the general issue, and give this act, and the special matter, in evidence, in his, her, or their defence or defences; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or prosecution, or judgment shall be given against him or them upon demurrer, or otherwise; then such defendant or defendants shall have treble costs awarded to him, her, or them, against such plaintiff or plaintiffs.

Treble costs.

C A P. VIII.

An act for the regulation of his Majesty's marine forces while on shore.

Preamble.

WHEREAS it may be necessary for the safety of this kingdom, and the defence of the possessions of the crown of Great Britain, that a body of marine forces should be employed in his Majesty's fleet and naval service, under the direction of the lord high admiral, or commissioners for executing the office of lord high admiral of Great

Great Britain : and whereas the said marine forces may frequently be quartered on shore, where they will not be subject to the laws relating to the government of his Majesty's forces by sea ; yet nevertheless, it being requisite for the retaining of such forces in their duty, that an exact discipline be observed, and that marines who shall mutiny, or stir up sedition, or shall desert his Majesty's service, be brought to a more exemplary and speedy punishment than the law will allow ; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from

And after 25 March, 1764, during the continuance of this act, every marine officer and private man on shore, who shall mutiny or desert, &c. or list in any other regiment, &c. or shall be found sleeping on, or shall desert his post, or hold illegal correspondence with the enemies of his Majesty, or shall strike, or disobey his superior officer, shall suffer death, or such punishment as a court martial shall inflict. — The lord high admiral, or commissioners for executing that office, may grant a commission to hold general courts-martial, &c. — Courts-martial may inflict corporal punishment for immoralities, &c. — Lords, &c. of the admiralty empowered to make articles for punishment of mutiny and desertion, &c. and to constitute courts-martial. — None to be adjudged of life or limb, but for crimes expressed to be so punishable by this act. — General court-martial not to consist of less than 13 ; and the president to be a field-officer, or officer next in seniority, not under the degree of a captain : may administer an oath to witnesses. Officers to be sworn. The oaths. — Fictitious names allowed by his Majesty's order upon the muster-rolls, for the maintenance of officers widows, not to be construed a false muster. Paymaster to pay the full pay of such men to the receiver. — Constables, &c. to quarter officers and men in inns, alehouses, &c. but in no distillers houses or shopkeepers, or in any private houses. Penalty on officers quartering private men contrary to this act, &c. Persons aggrieved by being quartered on, may complain to any justices, and be relieved. — Officers and marines to be furnished at the rates herein set for their provisions. — What inn-holders may allow men quartered on them, instead of meat. Penalty on taking money to excuse any person from quartering. — Commanding officer may exchange marines in their quarters. Constables to billet the same accordingly. — No paymaster, &c. to make deductions out of officers or private mens pay. Exceptions. Officers to give notice to inn-keepers of subsistence money in their hands. Rates of subsistence to be paid to inn-keepers, &c. for marines quarters. Officers not giving notice of subsistence money, and paying quarters, paymaster to satisfy them out of the company's next pay, and officer to be cashiered. On moving from quarters, the officer to make up accounts, and give certificates for money due, &c. Paymaster to pay the sum certified for. — Officers, &c. to be quartered in Scotland, as the laws in force at the union direct. — Justices to order constables to provide carriages for the marine forces on their march. Rates for carriages. Penalty on officers forcing waggons to travel more than one day's journey, &c. Penalty on constables, &c. neglect. — Treasurers of the county to repay the constables extraordinary charges. The money for those purposes how to be raised. — No waggon, &c. to carry above 20 hundred weight. — Carriages in Scotland how to be provided. — Marines wives, &c. not to be quartered without consent. Penalty on officers and marines destroying the game. Constables may apprehend deserters, and carry them before a justice. Justices to commit them, and transmit an account to the secretary of the admiralty. Gaol keeper to receive the subsistence of deserters. Reward for taking up deserters. — Penalty on persons concealing deserters, or buying their arms, clothes, &c. — This act to extend to deserters, &c. in Ireland. — Continuance of this act. — Offences against former acts may be enquired of and punished

as under this act, provided no person be liable to be tried for offences committed three years before issuing the warrant for trial, except in cases of desertion only. No volunteer liable to process, unless for some criminal matter, or unless for a real debt of the value of 10l. Oath of the debt to be made before a judge, and a memorandum thereof marked on the back of the process; otherwise prisoner to be discharged with costs. — Plaintiff giving notice, may file a common appearance, and proceed to judgment and execution. — Penalty on constables, &c. neglecting to quarter marines. Penalty on taking money to excuse any person from quartering, and on victuallers refusing to receive marines. — To prevent abuses in quartering, justices may order constables to give an account of the number of officers, and private men, and where quartered. — Clause for relief of persons hastily listing themselves. — As often as it shall be necessary, officers of the marine and land forces may sit in conjunction upon courts-martial; taking rank according to the seniority of their commissions. — Marine forces being borne as part of the complement of any ships of war, are liable to be governed by the rules established by act 22 Geo. II.

C A P. IX.

An act for repealing the duties now payable upon bever skins imported, and for granting other duties in lieu thereof; and for granting certain duties upon the exportation of bever skins and bever wool; and for taking off the drawback allowed on the exportation of such skins.

Preamble.

WHEREAS the duties now payable upon the importation of bever skins, and the drawback allowed upon the exportation of such skins, are great discouragements to the manufacture of hats in this kingdom; therefore we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, being desirous to promote and encourage the manufactures of this kingdom, do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the seventh day of April, which shall be in the year of our Lord one thousand seven hundred and sixty four, the several rates, duties, subsidies, and impositions payable upon the importation of bever skins, imported into Great Britain from any of his Majesty's dominions in America, shall cease, determine, and be no longer paid.

After 7 April, 1764, the former duties payable upon bever skins imported, to cease;

and other duties to be paid in lieu thereof, viz.

II. And be it further enacted by the authority aforesaid, That from and after the said seventh day of April, the following duties shall be paid to his Majesty, his heirs and successors, that is to say,

For every bever skin imported into Great Britain from any of his Majesty's dominions in America, the sum of one penny; and

For every bever skin, or piece of bever skin, exported from Great Britain, the sum of seven pence; and

For every pound weight averdupoise of bever wool or wombs exported from Great Britain, the sum of one shilling and six pence.

III. And

III. And be it further enacted by the authority aforesaid, That the several duties and impositions by this act granted, shall be laid, levied, collected, paid, and applied, in such manner; and for the same purposes, as the several rates and duties by this act repealed as aforesaid, and now respectively raised, levied, collected, and paid, and applied: and all the provisions of or in every act or law now in force for raising, levying, collecting, paying, and applying the duties and impositions hereby repealed as aforesaid, shall be in full force, and shall be put in execution, for raising, levying, collecting, paying, and applying, the duties and impositions by this act granted, as fully and effectually, to all intents and purposes, as if the said provisions were particularly repeated and re-enacted in the body of this present act.

IV. Provided always, and be it further enacted by the authority aforesaid, That from and after the said seventh day of April, no drawback shall be allowed on the exportation of any bever skin from Great Britain.

CAP. X.

An act for the more easy discharge of recognizances estreated into his Majesty's court of Exchequer.

WHEREAS many recognizances have been estreated into his Majesty's court of Exchequer, against persons for not appearing as parties or witnesses in his Majesty's courts of record at Westminster, or at the assizes and general quarter sessions, or other courts of record in that part of Great Britain called England, or for not prosecuting indictments there, or otherwise not performing the conditions in such recognizances contained; many of which neglects of duty have happened by the inattention of ignorant people, some of whom are imprisoned, and a great number of others liable to be so, by the process constantly issued against them out of the courts of Exchequer, and directed to the sheriffs, though no other prosecution be subsisting but merely for such forfeitures of their recognizances, from which there are no easy means at present, for poor persons especially, to procure any discharge: for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the fifth day of May, one thousand seven hundred and sixty four, it shall be lawful for the barons of his Majesty's court of Exchequer, upon affidavit and petition to be presented to them by or on the behalf of the person or persons imprisoned, or liable to be imprisoned, on the forfeiture of any such recognizances, to discharge such person or persons, by order from the said barons, without any *quietus* to be sued out for that purpose; for which order no more than one pound and one shilling shall be taken by the officer appointed to give out the same: provided that no discharge shall be given on such petitions where any debt is due to the crown, other than by the recognizances so prayed to be discharged; nor in any cases of defrauding his Majesty's revenue by contraband trade, or assault-
 After 1 May, 1764, the barons of the Exchequer empowered to discharge, upon affidavit and petition, and without *quietus* sued, recognizances of persons estreated into the Exchequer; Fee payable upon such order, 1 l. 1 s. Debts due to the crown;

cases of frauds
by contraband
trade;
and assaulting
officers of the
revenue;
excepted.

ing his Majesty's officers of the customs or excise in the execution of their duty, or any person or persons lawfully assisting them therein.

CAP. XI.

An act for continuing certain laws therein mentioned relating to British sail cloth, and to the duties payable on foreign sail cloth, and to the allowance upon the exportation of British made gunpowder, and for giving further encouragement for the importation of naval stores from the British colonies in America.

A^d 9 Geo. II.
relating to
British sail
cloth, &c.

further con-
tinued to 29
Sept. 1771.

A^d 4 Geo. II.
relating to the
allowance up-
on the export-
ation of Bri-
tish made
gunpowder,

further conti-
nued to 29
Sept. 1771.

WHEREAS the laws herein after-mentioned are found to be very useful and beneficial, and are near expiring; may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the ninth year of the reign of his late majesty King George the Second, intituled, *An act for further encouraging and regulating the manufacture of British sail cloth, and for the more effectual securing the duties now payable on foreign sail cloth imported into this kingdom*, which was to continue in force from the twenty fourth day of June, one thousand seven hundred and thirty six, for the term of five years, and from thence to the end of the then next session of parliament; and which, by several subsequent acts made in the thirteenth, twenty fourth, and thirty first, years of his said Majesty's reign, was further continued until the twenty ninth day of September, one thousand seven hundred and sixty four, and from thence to the end of the then next session of parliament; shall be, and the same is hereby further continued from the expiration thereof, until the twenty ninth day of September, one thousand seven hundred and seventy one, and from thence to the end of the then next session of parliament.

II. And be it further enacted by the authority aforesaid, That an act made in the fourth year of the reign of his late majesty King George the Second, intituled, *An act for granting an allowance upon the exportation of British made gunpowder*, which was to continue in force for five years from the twenty fourth day of June, one thousand seven hundred and thirty one, and from thence to the end of the then next session of parliament; and which, by several subsequent acts made in the tenth, sixteenth, twenty fourth, and thirty first, years of his said Majesty's reign, was further continued until the twenty ninth day of September, one thousand seven hundred and sixty four, and from thence to the end of the then next session of parliament; shall be, and the same is hereby further continued from the expiration thereof, until the twenty ninth day of September, one thousand seven hundred and seventy one, and from thence to the end of the then next session of parliament.

III. And

III. And be it further enacted by the authority aforesaid, That so much of an act made in the eighth year of the reign of King George the First, intituled, *An act for giving further encouragement for the importation of naval stores, and for other purposes therein mentioned*, as relates to the importation of wood and timber, and of the goods commonly called *Lumber*, therein particularly enumerated, from any of his Majesty's *British* plantations or colonies in *America*, free from all customs and impositions whatsoever; which was to be in force for twenty one years, from the twenty fourth day of *June*, one thousand seven hundred and twenty two; and which, by several subsequent acts made in the sixteenth, twenty fourth, and thirty first, years of the reign of his late majesty King George the Second, was further continued until the twenty ninth day of *September*, one thousand seven hundred and sixty four, and from thence to the end of the then next session of parliament; shall be, and the same is hereby further continued from the expiration thereof, until the twenty ninth day of *September*, one thousand seven hundred and seventy one, and from thence to the end of the then next session of parliament.

So much of act 8 Geo. I. as relates to the importation of wood, timber, and lumber, from the British plantations in America, further continued to 29 Sep. 1771.

C A P. XII.

An act to continue several laws for the better regulating of pilots for the conducting of ships and vessels from Dover, Deal, and Isle of Thanet, up the rivers of Thames and Medway; relating to the landing of rum or spirits of the British sugar plantations before the duties of excise are paid thereon; and to the further punishment of persons going armed or disguised, in defiance of the laws of customs or excise; and to the relief of the officers of the customs in informations upon seizures; and for granting a liberty to carry sugars of the growth, produce, or manufacture, of any of his Majesty's sugar colonies, directly into foreign parts, in ships built in Great Britain, and navigated according to law; and for punishing persons who shall damage or destroy any banks, flood gates, sluices, or other works, belonging to the rivers and streams made navigable by act of parliament.

WHEREAS the laws herein after mentioned have, by experience, been found useful and beneficial, and are near expiring; may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the third year of the reign of King George the First, intituled, *An act for the better regulating of pilots for the conducting of ships and vessels from Dover, Deal, and the Isle of Thanet, up the rivers of Thames and Medway*, which was for regulating pilots of vessels from Dover, &c. up the Thames to and Medway;

and clause in
act 7. Geo. I.
for further re-
gulating the
pilots of Do-
ver, Deal, and
Thanet, &c.

further conti-
nued to 25
March, 1778.

So much of
act 15 & 16
Geo. II. as re-
lates to the
landing of
rum or spirits,
of the British
sugar planta-
tions, before
duties paid,

further conti-
nued to 29
Sept. 1771.

So much of
act 19 Geo. II.
as relates to
persons going
armed or dis-
guised in de-
fiance of the
laws of cu-
stoms and ex-
cise;

to continue in force for seven years, and from thence to the end of the end of the then next session of parliament; and also a clause for further regulating the pilots of *Dover, Deal, and the Isle of Thanet*, in an act passed in the seventh year of his said Majesty's reign, which was to be in force during the continuance of the said act of the third year of his said Majesty's reign; which said act, together with the said clause, were, by several subsequent acts, made in the tenth year of his said Majesty's reign, and of the eighth and twenty third years of the reign of his late majesty King *George the Second*, further continued until the twenty fifth day of *March*, one thousand seven hundred and sixty four, and from thence to the end of the then next session of parliament; shall be, and the same are hereby further continued from the expiration thereof until the twenty fifth day of *March*, one thousand seven hundred and seventy eight, and from thence to the end of the then next session of parliament.

II. And be it further enacted by the authority aforesaid, That so much of an act made in the fifteenth and sixteenth years of the reign of his late majesty King *George the Second*, intituled, *An act to empower the importers or proprietors of rum or spirits of the British sugar plantations, to land the same before payment of the duties of excise charged thereon, and to lodge the same in warehouses at their own expence; and for the relief of Ralph Barrow, in respect to the duty on some rock salt, lost by the overflowing of the rivers Weaver and Dane*; as relates to the landing of rum or spirits of the *British* sugar plantations before payment of the duties of excise, and to the lodging of the same in warehouses at the expence of the importers or proprietors thereof; which was to continue in force until the twenty ninth day of *September*, one thousand seven hundred and forty nine, and from thence to the end of the then next session of parliament; and which, by an act made in the twenty third year of his said late Majesty's reign, was further continued from the expiration thereof until the twenty ninth day of *September*, one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament; and which, by an act made in the thirty first year of his said late Majesty's reign, was amended, and further continued until the twenty ninth day of *September*, one thousand seven hundred and sixty four, and from thence to the end of the then next session of parliament; shall be, and the same is hereby further continued from the expiration thereof until the twenty ninth day of *September*, one thousand seven hundred and seventy one, and from thence to the end of the then next session of parliament.

III. And be it further enacted by the authority aforesaid, That so much of an act made in the nineteenth year of the reign of his late majesty King *George the Second*, intituled, *An act for the further punishment of persons going armed or disguised in defiance of the laws of customs or excise; and for indemnifying offenders against those laws upon the terms therein mentioned; and for relief of officers of the customs in informations upon seizures*; as relates to the further

further punishment of persons going armed or disguised in defiance of the laws of customs or excise, and to the relief of officers of the customs in informations upon seizures; which act was to continue in force for the space of seven years, and from thence to the end of the then next session of parliament; and which, by several subsequent acts, made in the twenty sixth and thirty second years of his said Majesty's reign, was further continued until the twenty ninth day of *September*, one thousand seven hundred and sixty four, and from thence to the end of the then next session of parliament; shall be, and the same is hereby further continued from the expiration thereof until the twenty ninth day of *September*, one thousand seven hundred and seventy one, and from thence to the end of the then next session of parliament.

IV. And be it further enacted by the authority aforesaid, That an act made in the twelfth year of the reign of his late majesty King George the Second, intituled, *An act for granting a liberty to carry sugars of the growth, produce, or manufacture, of any of his Majesty's sugar colonies in America, from the said colonies directly to foreign parts, in ships built in Great Britain, and navigated according to law*; which was to continue in force for five years from the twenty ninth day of *September*, one thousand seven hundred and thirty nine, and from thence to the end of the then next session of parliament; and which, by several subsequent acts made in the seventeenth, twenty fourth, and thirty first years of his said Majesty's reign, was further continued until the twenty ninth day of *September*, one thousand seven hundred and sixty four, and from thence to the end of the then next session of parliament; shall be, and the same is hereby further continued, from the expiration thereof, until the twenty ninth day of *September*, one thousand seven hundred and seventy one, and from thence to the end of the then next session of parliament.

Act 12 Geo. II. granting liberty to carry sugars of the growth of the British plantations in America, directly to foreign parts, &c.

further continued to 29 Sept. 1771.

V. And whereas the laws now in being are not sufficient for the preservation of the banks, flood-gates, sluices, and other works, belonging to rivers and streams made navigable by act of parliament, and for the maintaining the navigation of such rivers and streams; be it therefore enacted by the authority aforesaid, That from and after the passing of this act, if any person or persons shall wilfully or maliciously break, throw down, damage, or destroy, any banks, flood-gates, sluices, or other works, or open or draw up any flood-gate or flood-gates, or do any other wilful hurt or mischief to any such navigation, so as to obstruct, hinder, or prevent, the carrying on, completing, supporting, or maintaining, such navigation; every such person or persons shall be adjudged guilty of felony; and the court before whom such person or persons shall be tried and convicted, shall and hereby have power and authority to order such person or persons to be transported for seven years.

Persons who shall damage any banks, flood-gates, or other works belonging to rivers, &c. made navigable by act of parliament, shall be adjudged guilty of felony, and be transported for 7 years.

C A P. XIII.

An act for granting to his Majesty a certain sum of money out of the sinking fund, for the service of the year one thousand seven hundred and sixty four; and for preventing, in certain cases, the obtaining of allowances in respect of the leakage of wines imported into this kingdom; and for making forth duplicates of Exchequer bills, tickets, certificates, receipts, annuity orders, and other orders, lost, burnt, or otherwise destroyed.

Most gracious Sovereign,

Preamble.

WE, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, towards raising the necessary supplies which we have cheerfully granted to your Majesty, in this session of parliament, have resolved to give and grant to your Majesty the sum herein after mentioned; and do therefore most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That

Towards raising the supplies granted, there may be issued out of the sinking fund a sum not exceeding 2,000,000 l. — Clause of loan for raising the aforesaid sum of 2,000,000 l. — Tallies of loan may be struck for the same. Orders to be registered, and paid in course. No fee to be paid for registering, &c. Penalty of undue preference; how to be recovered. — It shall be deemed no undue preference, where tallies are dated, or brought the same day; — nor if subsequent orders be paid before such as were not demanded in course. — Orders assignable toties quoties. — Commissioners of the treasury, if they shall think it more advisable to raise the said sum, or any part thereof, by Exchequer bills, may make out any number of new Exchequer bills for the same, in like manner and form as is prescribed by the malt act of this session. — Clauses in the said act relating to Exchequer bills, extended to those to be made out in pursuance of this act. — The said bills, interest, premium, and charges, payable out of the sinking fund. — The bank empowered to advance, on the said credit of loan, any sum or sums, not exceeding 2,000,000 l. the act; & 6 W. & M. notwithstanding. — Clause of relief for Exchequer bills, lottery tickets, certificates, annuity orders, &c. lost, burnt, or otherwise destroyed.

XI. And whereas by the eighth rule annexed to the book of rates referred to in the act of tonnage and poundage, passed in the twelfth year of the reign of King *Charles* the Second, every merchant bringing in any sort of wines into this kingdom by way of merchandize, and making due entries thereof, is allowed twelve *per cent.* for leakage: and whereas it is of late years become a practice for several merchants to lodge *Spanish, Portugal,* and other wines at the islands of *Guernsey* and *Jersey*, and after they have filled up the casks there, to import such wines into this kingdom, and demand the before mentioned allowances for leakage, notwithstanding the casks are quite full; to the lessening

ing of his Majesty's revenue, and the prejudice of other merchants who import wines directly from the place of their growth: for remedy whereof, and in order to put all merchants upon a more equal footing; be it enacted by the authority aforesaid, That from and after the first day of *May*, one thousand seven hundred and sixty four, no merchant shall be allowed twelve per centum, or have any allowance for leakage upon any wine imported into this kingdom, unless such wine be imported directly from the country or place of the growth of the said wine, or the usual port or place of its first shipping, except only *Madeira* wines imported into this kingdom from any of the *British* colonies or plantations in *America*, or from the *East Indies*; any thing in the said recited rule, or any law, custom, or usage to the contrary notwithstanding.

The former allowance of 12 l. per cent. for leakage upon wines imported, taken off, with respect to all such wines as shall not be imported directly from the place of their growth; *Madeira* wines excepted.

C A P. XIV.

An act for the better regulating of buildings; and to prevent mischiefs that may happen by fire within the weekly bills of mortality, and other places therein mentioned.

WHEREAS so much of the act, passed in the eleventh year of the reign of his late majesty King George the First, intitled, An act for the better regulating of buildings; and to prevent mischiefs that may happen by fire within the weekly bills of mortality, and other places therein mentioned; as relates to pulling down or rebuilding of partitions or party walls, between house and house, is confined to cases where one of the houses is to be erected or built; and it may happen that party walls within the said city and liberty of Westminster, and the parishes, precincts, and places comprised within the weekly bills of mortality, and within the several parishes of Saint Mary Le Bone, and Paddington, and within the parishes of Chelsea, and Saint Pancras, or either of them, in the county of Middlesex (except the city of London, and the liberties thereof; and also, except houses on London Bridge, and on the river of Thames below bridge) may be so far out of repair, as to render it necessary to pull down and rebuild the same, although neither of the adjoining houses, to which such party walls belong, require to be rebuilt; and it may happen, that party walls, within the limits aforesaid, may be so far defective and bad, by falling out of the perpendicular, as to become unsafe for the builder of the next adjoining house to rest timbers thereupon, or oblige such builder to run or place his timbers quite through such defective party walls, in order to preserve their just lengths, whereby fire may be more readily communicated from house to house, contrary to the intent of the said act: and whereas the workmen appointed, by virtue of the said recited act, to examine party walls, are often equally divided in opinion about the necessity of pulling down and rebuilding such party walls, whereby a certificate from the major part of such workmen, as by the said recited act is required, cannot be obtained, and the purposes of the said act, in many instances, have been evaded; wherefore, may it therefore please your most excellent Majesty that it may be enacted; and

Preamble, reciting clause in act 11 Geo. I.

So much of the recited act as relates to party walls within the city and liberty of Westminster, &c. extended to all cases, where necessary to pull down and rebuild any party wall; whether either of the adjoining houses shall be to be rebuilt or not. Where a majority of the workmen, appointed in pursuance of the recited act to view any party wall to be pulled down, shall not sign a certificate, as required, Two neighbouring justices, upon application, may name another, to be added to them;

and the majority then agreeing in a report of such wall being defective, the same may be pulled down and rebuilt; and a moiety of the expen-

and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That so much of the said recited act as relates to party walls within the said city and liberty of Westminster, or any parish, precinct, or place, comprised within the weekly bills of mortality, or within the several parishes of *Saint Mary le Bone* and *Paddington*, or within the parishes of *Chelsea*, and *Saint Pancras*, or either of them, in the county of *Middlesex*, (except the city of *London*, and the liberties thereof; and also, except the party walls of houses on the river of *Thames* below bridge) shall, from and after the passing of this present act, extend, and be construed, deemed, and taken to extend, to all cases whatsoever within the said city and liberty of Westminster, and the several parishes, precincts, and limits aforesaid, where it is or shall be necessary to pull down and rebuild any party wall, whether either of the adjoining houses shall or shall not be, or require to be, rebuilt, or new built.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this present act, in case the major part of the workmen appointed, in manner by the said recited act prescribed, to view the party wall of any house or houses within the said city of Westminster, and the several parishes, precincts, and limits aforesaid, intended to be pulled down, shall not, within the space of one calendar month next after such appointment, sign a certificate in writing, as by the said act is required; then, and in every such case, it shall and may be lawful to and for any two or more of his Majesty's justices of the peace for the city or county, residing within or near the parish, liberty, or precinct, where the house or houses, having such party wall or walls intended to be pulled down, shall stand, and such two or more justices are hereby authorized and required, upon application to them, for that purpose, made, by the owner or occupier of either of the houses between which the party wall, so proposed to be pulled down, shall be, to name and appoint one other able workman, to be added to the workmen appointed by virtue or in pursuance of the said recited act; and the workmen so appointed by virtue and in pursuance of the said former act, and of this present act, or the major part of them who shall meet for that purpose (ten days notice having been given to, or left at the dwelling house of, each and every of them, of such intended meeting) shall view the party wall so proposed to be pulled down; and in case the major part of such workmen, shall certify in writing, under their hands, that such party wall is defective and bad, and ought to be pulled down, then, and in such case, it shall and may be lawful to and for the owner or occupier of either of the said adjoining houses, to cause such party wall to be pulled down and rebuilt; and he or she shall have such remedy for recovering a moiety of the expences thereof, as in and by the said recited act is given or provided; subject

subject nevertheless to such appeal to, and determination by, the justices of the peace, as by the same act is directed. ces recovered accordingly.

And whereas it would tend greatly to prevent the fatal consequences of fire spreading and communicating to adjoining houses, within the said city, parishes, precincts, and other the limits aforesaid, if party walls between house and house, within the same, were to be made of greater thickness than is prescribed by the act passed in the seventh year of the reign of her late majesty Queen Anne, intituled, *An act for making more effectual an act made in the sixth year of her said Majesty's reign, for the better preventing of mischiefs that may happen by fire*; and if no timbers, except the timbers of the girders, binding joists, and the templets under the same, were laid into the party walls; and if no timbers of the roof be laid into such party walls (except the purloins or kerb thereof) and if the ends of the girders or binding joists, lying within the said party walls, did not exceed one foot; and if none of the ends of the girders or binding joists, in adjoining houses, met, or were laid opposite to each other, and the sides thereof were laid at least fourteen inches distant from each other; and if there should be nine inches, at least, of solid brick-work left at or between the ends of all lentils, wall plates, and bond timbers, which may or shall be laid in or upon the walls of the fore and back fronts of all houses which shall adjoin to each other; be it therefore enacted by the authority aforesaid, That all party walls which, from and after the expiration of three calendar months next after the passing of this act, shall be erected or built within the said city or liberty of *Westminster*, and the parishes, precincts, and limits aforesaid, shall be two bricks and an half thick at the least in the cellar, and two bricks thick upwards to the garret floor, and from thence one brick and an half thick at least eighteen inches above the roofs or gutters which adjoin to such party walls; and that the same shall be built of stone, or of good sound burnt bricks, and none other.

Thickness for the future of party walls, in the cellar, to the garret floor, and from thence upwards; and to be 18 inches high above the roofs.

III. And be it further enacted by the authority aforesaid, That from and after the expiration of the said three calendar months, no timbers, except the timbers of the girders, binding joists, and the templets under the same, shall be laid into the party walls erected or built, or to be erected or built, within the said city or liberty of *Westminster*, and the parishes, precincts, and limits aforesaid; and that no timbers of the roof be laid into such party walls (except the purloins or kerb thereof) and that the ends of girders, and binding joists, lying within such party walls, shall not exceed nine inches; and that none of the ends of the girders, or binding joists, in adjoining houses, shall meet, or be laid opposite to each other; and that the sides thereof shall be, at least, fourteen inches distant from each other; and that there shall be nine inches, at least of solid brick-work left at or between the ends of all lentils, wall plates, and bond timber, which may or shall be laid in or upon the walls of the fore and back fronts of all houses which shall adjoin to each other; and if any head builder, master bricklayer, No timbers to be laid into the party walls, except what are here- in particularly allowed. Rules to be observed in placing the ends of the girders, and joists; lentils, wall plates, and bond timbers. Builder, &c. or not conform-

ing to these
directions,

or workman, shall erect and build, or cause to be erected and built, any party wall within the said city and liberty of *Westminster*, and the parishes, precincts, and limits aforesaid, contrary to the directions, true intent, and meaning of this act; or shall use, in the building thereof, any bricks, other than

or using bricks
not duly
burnt, or lay-
ing timber in
party walls
otherwise than
prescribed,
to forfeit 50 l.

good found burnt bricks; or shall lay any timber in any party wall erected or built, or which shall be erected or built, within the said city or liberty of *Westminster*, and the parishes, precincts, and limits aforesaid, contrary to the directions, true intent and meaning of this act; then such head builder, master bricklayer, or workman, shall, for every such offence, forfeit and pay the sum of fifty pounds, to be equally divided, one moiety thereof to the informer, and the other moiety to the poor of the parish where such building shall be; to be levied, by war-

to be levied
by distress and
sale;

rant under the hands and seals of two or more of his Majesty's justices of the peace, by distress and sale of the offenders goods, upon conviction upon oath of one or more credible witness or witnesses, or upon his or their own confession, rendering the overplus (if any be) to the owner or owners; and, for want of such distress, the offender shall be imprisoned for the space of six months, unless the said penalty shall be sooner paid, by warrant under the hands and seals of the said two or more justices, who are hereby required and impowered to issue such warrant

and for want
of distress of-
fender to be
committed for
6 months;

or the penalty
may be sued
for and reco-
vered in any
the courts at
Westminster,

accordingly; or that it shall and may be lawful to and for all and every person and persons whomsoever, to sue for and recover all and every or any the aforesaid penalty and penalties, given or imposed by this act, by action of debt, bill, plaint, suit, or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege, or wager of law, or more than one imparlance, shall be allowed; and that every the person and persons, suing or prosecuting for any such penalty or penalties, shall, in all cases where he or they shall recover the same in manner herein last mentioned, be intitled to, and shall recover double costs of suit, over and above all and every such penalty and penalties; and one moiety of every such penalty and penalties, when recovered, shall be immediately paid, by the person or persons recovering the same, to the churchwardens or overseers of the poor for the time being of the parish, liberty, or precinct, in which such penalty or penalties shall arise, and for which such action shall be commenced, for the use of the poor of such parish, liberty, or precinct, and the other moiety thereof shall be for the use of the person or persons who shall inform, sue for, and recover the same.

with double
costs.
Application of
the penalty.

Rules to be
observed with
respect to
hearths and
chimnies;

and to timber
buildings.

IV. And be it enacted by the authority aforesaid, That from and after the first day of *July*, one thousand seven hundred and sixty four, no timber or timbers whatsoever shall be laid or placed under the hearth or hearths of any room or rooms; or within nine inches of any funnel or flew of any chimney or chimnies of any house or houses within the limits aforesaid; and that no timber buildings whatsoever shall be built adjoining to any house or houses, so as the timbers thereof shall be laid into the wall

of any such house or houses already built, or hereafter to be built, within the limits aforesaid, under the penalty of fifty pounds; to be recovered, levied, and applied, against the workman offending therein, or the inhabitant or person causing such building to be erected or built, in like manner as any other penalty or forfeiture is, in and by this act, directed to be recovered, levied, and applied.

Penalty of not conforming thereto, 50l.

V. And be it further enacted by the authority aforesaid, That after any party wall or party walls shall be erected or built pursuant to the directions of this act, no person or persons whatsoever, who shall build against such party wall or party walls, shall, on any pretence whatsoever, cut into or wound the same, for the conveniency of making a chimney or chimnies, or for any other purpose whatsoever: nor shall lay into the same any other timbers than are allowed by this act to be laid into new party walls, under the penalty of fifty pounds, to be recovered against the party or person offending, in the manner herein before directed.

Party walls not to be cut into or wounded, by adjoining buildings, nor other timbers to be laid therein, than is here allowed, on penalty of 50l.

VI. And be it further enacted by the authority aforesaid, That every master builder who shall, after the first day of *July*, one thousand seven hundred and sixty four, erect or build any house within the limits above mentioned, shall, within fourteen days after the same shall be covered in, cause the same to be surveyed by one or more surveyor or surveyors; and such surveyor or surveyors shall make oath, before one of his Majesty's justices of the peace for the said county of *Middlesex*, or city of *Westminster* (which oath such justice is hereby impowered and required to administer) that the same hath been (to the best of his or their judgment and belief) built and erected agreeable to the several directions in this act contained; which affidavit shall be filed with the clerk of the peace for the said county of *Middlesex*, within ten days after the making thereof; and the said clerk of the peace shall, for his trouble therein, be intitled to and receive the sum of one shilling, and no more: and if any master builder shall make default in the premises, by neglecting to cause such survey to be made, or such affidavit to be made and filed as aforesaid, such master builder shall, for every such neglect or default, forfeit the sum of fifty pounds; to be recovered and applied in the same manner, as any penalties or forfeitures are, by this act, directed to be recovered and applied.

Builders to cause the houses to be surveyed:

Surveyors to make oath of the same being built according to the directions of this act. Oath to be filed with the clerk of the peace: His fee. Builder not complying, to forfeit 50l.

VII. And be it further enacted by the authority aforesaid, That the parishioners and inhabitants of the parish, liberty, or precinct, where any offence against this act shall be committed (except persons receiving alms) shall be admitted and allowed to be competent witnesses, notwithstanding his, her, or their being a parishioner or parishioners, inhabitant or inhabitants, in such parish, liberty, or precinct.

Parishioners, &c. deemed competent witnesses.

VIII. And whereas some part or parts of houses already pulled down, or that shall hereafter be pulled down, in order to be rebuilt, may be so intermixed with adjoining houses over or under each other, in such manner, that a party wall or party walls,

of

Disputes about damage, by erecting new perpendicular party walls upon the old foundations, where parts of the adjoining houses intermix,

are to be referred to the justices at their quarter sessions, who are to summon a jury to fix the value; and the order made upon such verdict.

Cases, where in insurance offices may lay out the insurance money, towards rebuilding, &c. houses burnt, or damaged by fire.

of brick or stone, cannot be effectually built upon the old foundations, perpendicular quite through all the stories, in order to prevent mischiefs by fire, without pulling down some part or parts of the one, and laying the same to the other: for preventing disputes thereupon, or determining any subsisting disputes, be it enacted by the authority aforesaid, That in all cases where any dispute or controversy hath arisen, or shall arise, between the owner or owners of any house or houses already pulled down, or that shall be pulled down in order to be rebuilt, and the owner or owners of any house adjoining on either side to such house or houses, within the said city or liberty of *Westminster*, and the parishes, precincts, and limits aforesaid, concerning any part or parts thereof intermixed over or under each other, in such manner that a party wall or party walls of brick or stone cannot be effectually built upon the old foundations: perpendicular quite through all the stories of the said house or houses, in order to prevent mischiefs by fire, without pulling down some part or parts of one or more of the said adjoining houses, and laying some part or parts of one or more of the said adjoining house or houses or ground to the other or others thereof, it shall and may be lawful to and for the justices of the peace, in the general or quarter sessions to be holden for the said city and liberty of *Westminster*, or the county of *Middlesex*, and they are hereby authorized and required, upon application made to them by the person or persons desirous to pull down or rebuild any house or houses as aforesaid, to examine into such dispute or controversy, and ascertain the property, and fix the value, of what may be found necessary to be wanted for erecting perpendicular party walls upon the old foundations as aforesaid; and for that purpose, to issue their order to the sheriffs or bailiffs, or other proper officer of the city or county wherein any such dispute or controversy hath arisen or shall arise, to summon a jury to view the premises, try the facts, and fix the value of any damages that may arise, on their verdict; and, upon such verdict, the said justices shall and may, and are hereby authorized and required to make such order or orders in the said premises as they, in their discretions, shall think to be just and reasonable; and the determinations of the said justices shall be final and conclusive to all parties, without any appeal from the same.

IX. And, for the better preventing mischiefs that may happen by fire, and to deter and hinder ill-minded persons from wilfully setting their house or houses, or other buildings, on fire, with a view of gaining to themselves the insurance money, whereby the lives and fortunes of many families are lost; be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the respective governors or directors of the several insurance offices, within the cities of *London* and *Westminster*, for insuring houses and other buildings against losses by fire, and they are hereby authorized and required, upon the application and request of any person or persons interested in, or intitled unto, any house or houses, or other buildings, within the

the limits by this act prescribed, which hereafter shall or may be burnt down, demolished, or damaged by fire; or upon any grounds of suspicion that the owner or owners, occupier or occupiers, or other person or persons who shall have insured such house or houses, or other buildings, have been guilty of fraud, or of wilfully setting their house or houses, or other buildings, on fire; to cause the insurance money to be laid out and expended, as far as the same will go, towards rebuilding, reinstating, or repairing such house or houses, or other buildings, so burnt down, demolished, or damaged by fire; unless the party or parties claiming such insurance money shall, within sixty days next after such claim shall be adjusted, give a sufficient security to the governors or directors of the insurance office where such house or houses, or other buildings, are insured, that the same insurance money shall be so laid out and expended as aforesaid; or unless the said insurance money shall be in that time settled and disposed of to and amongst all the contending parties, to the satisfaction and approbation of such governors or directors of such insurance offices respectively.

X. And be it further enacted by the authority aforesaid, That no order which shall be made by any justice or justices of the peace, by virtue of or under this act, or any other proceedings to be had touching the conviction or convictions of any offender or offenders against this act, shall be quashed or vacated for want of form only, or be removed or removeable by *Certiorari*, or any other writ or process whatsoever, into any of his Majesty's courts of record at *Westminster*.

Orders of justices not liable to be quashed for want of form, nor to be removed by *Certiorari*.

XI. And be it further enacted by the authority aforesaid, That if any action shall be brought, or suit commenced, against any person or persons, for any thing done in pursuance of this act, such action or suit shall be laid or brought within six months next after the fact done, and not afterwards; and shall be laid or brought in the county or place where the fact was committed, and not elsewhere; and the defendant or defendants in such action may plead the general issue, and give this act and the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by authority of this act: and if the same shall appear to have been so done, or if any action or suit shall not be brought within the time before limited, or shall be brought in any other county or place than as aforesaid, then the jury shall find for the defendant or defendants; or if the plaintiff or plaintiffs shall become nonsuited, or suffer a discontinuance of his, her, or their action or actions; or if a verdict shall pass against the plaintiff or plaintiffs; or if, upon demurrer, judgment shall be given against the plaintiff or plaintiffs; the said defendant or defendants shall have treble costs, and shall have such remedy for recovering the same as any defendant or defendants hath or have, for costs, in any other cases by law.

Limitation of actions.

General issue.

Treble costs.

XII. Provided always, and be it enacted by the authority aforesaid, That in all cases where any party wall within the said city or liberty of *Westminster*, and the parishes, precincts, and limits aforesaid, shall, by virtue of the said recited act of the eleventh

Expence of party walls pulled down and rebuilt, in pursuance of the recited act,

to be estimated between the parties, at the rate of 6 l. 10 s. per rod;

eleventh year of his majesty King *George* the First, and of this present act, be pulled down and rebuilt, agreeable to the directions of this present act, by the owner or occupier of one of the adjoining houses, the expence of such party wall shall be estimated and computed at and after the rate of six pounds and ten shillings *per* rod; any thing in the said former act to the contrary thereof in any wise notwithstanding.

and in like manner those built in pursuance of this act.

XIII. Provided also, and be it enacted by the authority aforesaid, That in all cases where any party wall shall be erected or built, agreeable to the directions of this present act, in execution of any contract or contracts entered into with the builder or workman before the first day of *July*, one thousand seven hundred and sixty four, the expence of such party wall shall be estimated and computed at and after the rate of six pounds and ten shillings *per* rod; any thing in such contract or contracts to the contrary thereof in any wise notwithstanding.

Back and fore fronts of all future buildings to be of stone, or good brick, from the breast summer upwards, as also the party walls. Height of the breast summer.

XIV. And be it further enacted by the authority aforesaid, That for the further and better preventing the spreading of fires, all houses or other buildings which, from and after the expiration of three calendar months next after the passing of this act, shall be erected or built within the said city or liberty of *Westminster*, and the parishes, precincts, and limits aforesaid, shall be built of stone, or of good sound hard well burnt bricks, and none other, both in the fore front, and back front thereof, from the breast summer upwards (and likewise the party wall thereof) and that such breast summer, in all such houses or other buildings, shall not be higher than the floor of the one pair of stairs.

Act 6 Annæ.

XV. And whereas, by an act made in the sixth year of the reign of her late majesty Queen *Anne*, a reward of ten shillings is to be paid to the turn cock belonging to any water work where water shall be found on, or first come into, the main or pipe where the first plug shall be opened at any fire; thirty shillings to the first engine keeper, who brings in any parish engine to help to extinguish any fire; twenty shillings to the keeper of the second parish engine, that shall be next brought to a fire; and to the third, ten shillings; by the churchwardens of the parish where such fire shall happen; be it further enacted by the authority aforesaid, That in all cases where any of the said rewards shall be claimed, by reason of any fire happening within the said city of *Westminster*, or within the parishes, precincts, liberties, or places aforesaid, such rewards shall be paid and payable in the same manner to the keeper of any other large engine (though not a parish engine) who shall bring in such engine in good order and complete, to help to extinguish such fire, in the same manner as if such engine was a parish engine.

In cases of fire, the keepers of other large engines are equally intitled with the parish engines to the rewards granted by act 6 Annæ.

Publick act.

XVI. And it is hereby further enacted, That this act shall be deemed, and taken to be a publick act, and shall be judicially taken notice of as such by all judges, justices, and all other persons whatsoever, without specially pleading the same.

CAP. XV.

An act for granting certain duties in the British colonies and plantations in America; for continuing, amending, and making perpetual, an act passed in the sixth year of the reign of his late majesty King George the Second, (intituled, An act for the better securing and encouraging the trade of his Majesty's sugar colonies in America;) for applying the produce of such duties, and of the duties to arise by virtue of the said act, towards defraying the expences of defending, protecting, and securing the said colonies and plantations; for explaining an act made in the twenty fifth year of the reign of King Charles the Second, (intituled, An act for the encouragement of the Greenland and Eastland trades, and for the better securing the plantation trade;) and for altering and disallowing several drawbacks on exports from this kingdom, and more effectually preventing the clandestine conveyance of goods to and from the said colonies and plantations, and improving and securing the trade between the same and Great Britain.

WHEREAS it is expedient that new provisions and regula- Preamble:

tions should be established for improving the revenue of this kingdom, and for extending and securing the navigation and commerce between Great Britain and your Majesty's dominions in America, which, by the peace, have been so happily enlarged: and whereas it is just and necessary, that a revenue be raised, in your Majesty's said dominions in America, for defraying the expences of defending, protecting, and securing the same; we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, being desirous to make some provision, in this present session of parliament, towards raising the said revenue in America, have resolved to give and grant unto your Majesty the several rates and duties herein after-mentioned; and do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty ninth day of September, one thousand seven hundred and sixty four, there shall be raised, levied, collected, and paid, unto his Majesty, his heirs and successors, for and upon all white or clayed sugars of the produce or manufacture of any colony or plantation in America, not under the dominion of his Majesty, his heirs and successors; for and upon indico, and coffee of foreign produce or manufacture; for and upon all wines (except French wine;) for and upon all wrought silks, bengals, and stuffs, mixed with silk or herba, of the ma-

From and after 29 Sept. 1764, the following rates and duties to take place on the several species of foreign goods here enumerated, imported into any of his Majesty's plantations in America;

nufacture of *Persia*, *China*, or *East India*, and all callico painted, dyed, printed, or stained there; and for and upon all foreign linen cloth called *Cambrick* and *French Lawns*, which shall be imported or brought into any colony or plantation in *America*, which now is, or hereafter may be, under the dominion of his Majesty, his heirs and successors, the several rates and duties following; that is to say,

On foreign white or clayed sugars, 2 l. 2 s. per C. wt.	For every hundred weight avoirdupois of such foreign white or clayed sugars, one pound, two shillings, over and above all other duties imposed by any former act of parliament.
Indico 6 d. per lb.	For every pound weight avoirdupois of such foreign indico, six pence.
Coffee 2 l. 19 s. 9 d. per C. wt.	For every hundred weight avoirdupois of such foreign coffee, which shall be imported from any place, except <i>Great Britain</i> , two pounds, nineteen shillings, and nine pence.
Madeira wines 7 l. per ton.	For every ton of wine of the growth of the <i>Madeiras</i> , or of any other island or place from whence such wine may be lawfully imported, and which shall be so imported from such islands or places, the sum of seven pounds.
Portugal and Spanish wines 10 s. per ton.	For every ton of <i>Portugal</i> , <i>Spanish</i> , or any other wine (except <i>French</i> wine) imported from <i>Great Britain</i> , the sum of ten shillings.
Wroughtsilks, bengals, and stuffs, mixt with silk or herba, 2 s. per lb.	For every pound weight avoirdupois of wrought silks, bengals, and stuffs, mixed with silk or herba, of the manufacture of <i>Persia</i> , <i>China</i> , or <i>East India</i> , imported from <i>Great Britain</i> , two shillings.
Callicoes 2 s. 6 d. per piece.	For every piece of callico painted, dyed, printed, or stained, in <i>Persia</i> , <i>China</i> , or <i>East India</i> , imported from <i>Great Britain</i> , two shillings and six pence.
Cambricks 3 s. per piece.	For every piece of foreign linen cloth, called <i>Cambrick</i> , imported from <i>Great Britain</i> , three shillings.
French lawns 3 s. per piece.	For every piece of <i>French</i> lawn imported from <i>Great Britain</i> , three shillings.

And after those rates for any greater or lesser quantity of such goods respectively.

II. And it is hereby further enacted by the authority aforesaid, That from and after the said twenty ninth day of *September*, one thousand seven hundred and sixty four, there shall also be raised, levied, collected, and paid, unto his Majesty, his heirs and successors, for and upon all coffee and pimento of the growth and produce of any *British* colony or plantation in *America*, which shall be there laden on board any *British* ship or vessel, to be carried out from thence to any other place whatsoever, except *Great Britain*, the several rates and duties following; that is to say,

Coffee 7 s. per C. wt.	III. For every hundred weight avoirdupois of such <i>British</i> coffee, seven shillings.
Pimento 2 q. per lb.	For every pound weight avoirdupois of such <i>British</i> pimento, one halfpenny.

And

And after those rates for any greater or lesser quantity of such goods respectively.

IV. And whereas an act was made in the sixth year of the reign of his late majesty King George the Second, intituled, *An act for the better securing and encouraging the trade of his Majesty's sugar colonies in America*, which was to continue in force for five years, to be computed from the twenty fourth day of June, one thousand seven hundred and thirty three, and to the end of the then next session of parliament, and which, by several subsequent acts made in the eleventh, the nineteenth, the twenty sixth, and twenty ninth, and the thirty first years of the reign of his said late Majesty, was, from time to time, continued; and, by an act made in the first year of the reign of his present Majesty, was further continued until the end of this present session of parliament; and although the said act hath been found in some degree useful, yet it is highly expedient that the same should be altered, enforced, and made more effectual; but, in consideration of the great distance of several of the said colonies and plantations from this kingdom, it will be proper further to continue the said act for a short space, before any alterations and amendments shall take effect, in order that all persons concerned may have due and proper notice thereof; be it therefore enacted by the authority aforesaid, That the said act made in the sixth year of the reign of his late majesty King George the Second, intituled, *An act for the better securing and encouraging the trade of his Majesty's sugar colonies in America*, shall be, and the same is hereby further continued, until the thirtieth day of September, one thousand seven hundred and sixty four.

further continued to 30 Sept. 1764.

V. And be it further enacted by the authority aforesaid, That from the twenty ninth day of September, one thousand seven hundred and sixty four, the said act, subject to such alterations and amendments as are herein after contained, shall be, and the same is hereby made perpetual.

The said act made perpetual, subject to the alterations made herein.

VI. And be it further enacted by the authority aforesaid, That in lieu and instead of the rate and duty imposed by the said act upon melasses and syrups, there shall, from and after the said twenty ninth day of September, one thousand seven hundred and sixty four, be raised, levied, collected, and paid, unto his Majesty, his heirs and successors, for and upon every gallon of melasses or syrups, being the growth, product, or manufacture, of any colony or plantation in *America*, not under the dominion of his Majesty, his heirs or successors, which shall be imported or brought into any colony or plantation in *America*, which now is, or hereafter may be, under the dominion of his Majesty, his heirs or successors, the sum of three pence.

Foreign melasses and syrups imported into the British colonies to pay 3d. per gallon.

VII. And it is hereby further enacted by the authority aforesaid, That the said rates and duties hereby charged upon such foreign white or clayed sugars, foreign indico, foreign coffee, wines, wrought silks, bengals, and stuffs, mixed with silk or herba, callico, cambricks, French lawns, and foreign melasses or syrups, imported into any *British American* colony or plantation,

The duties on the enumerated goods here mentioned to be raised and paid as by the recited act of 6 Geo. II.

Those upon
coffee and
pimento,

as by act 25
Car. II.

Importer re-
fusing to pay
the duties on
wines, officer
may seize
the same,

and publicly
sell them to
the best bid-
der,
and deduct
the duties and
charges.

If they shall
not bring suf-
ficient to pay
the duty and
charges, they
are to be
staved and
spilt.

shall be raised, levied, collected, and paid, in the same manner and form, and by such rules, ways, and means, and under such penalties and forfeitures (not otherwise altered by this act) as are mentioned and expressed in the said act of parliament, made in the sixth year of the reign of his late majesty King *George the Second*, with respect to the raising, levying, collecting, and payment, of the rates and duties thereby granted; and that the aforesaid duties hereby charged upon *British* coffee and pimento, exported from any *British* colony or plantation, shall be raised, levied, collected, and paid, in the same manner and form, and by such rules, ways, and means, and under such penalties and forfeitures, as are mentioned and referred unto in an act of parliament, made in the twenty fifth year of the reign of King *Charles the Second*, intituled, *An act for the encouragement of the Greenland and Eastland trades, and for the better securing the plantation trade*, with respect to the raising, levying, collecting, and payment, of the rates and duties thereby granted upon the several goods therein particularly enumerated: and that all powers, penalties, provisions, articles, and clauses, in those acts respectively contained and referred unto (except in such cases where any alteration is made by this act) shall be observed, applied, practised, and put in execution, for the raising, levying, collecting, and answering, the respective rates and duties granted by this act, as fully and effectually, as if the same were particularly and at large re-enacted in the body of this present act, and applied to the rates and duties hereby imposed; and as fully and effectually, to all intents and purposes, as the same could have been at any time put in execution, for the like purposes, with respect to the rates and duties granted by the said former acts.

VIII. Provided always, and it is hereby further enacted by the authority aforesaid, That if the importer of any wines shall refuse to pay the duties hereby imposed thereon, it shall and may be lawful for the collector, or other proper officer of the customs where such wines shall be imported, and he is hereby respectively required to take and secure the same, with the casks or other package thereof, and to cause the same to be publicly sold, within the space of twenty days at the most after such refusal made, and at such time and place as such officer, shall, by four or more days publick notice, appoint for that purpose; which wine shall be sold to the best bidder, and the money arising by the sale thereof shall be applied, in the first place, in payment of the said duties, together with the charges that shall have been occasioned by the said sale; and the overplus, if any, shall be paid to such importer, or any other person authorized to receive the same.

IX. Provided also, That if the money offered for the purchase of such wine, shall not be sufficient to discharge the duty and charges aforesaid, then, and in every such case, the collector, or other proper officer, shall cause the wine to be staved, spilt, or otherwise destroyed, and shall return the casks or other package wherein the same was contained to such importer.

X. And

X. And it is hereby declared and enacted, That every piece Limited
of callico intended to be charged with the duty herein before- length and
mentioned, if of the breadth of one yard and a quarter or under, breadth of
shall not exceed in length ten yards; and if above that breadth, callicoese,
shall not exceed six yards in length; and that every piece of cam- and of cam-
brick and *French* lawn shall contain thirteen ells each, and shall bricks, and
pay duty for the same in those proportions for any greater or French lawns.
or lesser quantity, according to the sum herein before charged upon
each piece of such goods respectively.

XI. And it is hereby further enacted by the authority afore- Monies aris-
said, That all the monies which, from and after the twenty ninth ing by the fe-
day of *September*, one thousand seven hundred and sixty four, veral duties
shall arise by the several rates and duties herein before granted; before grant-
and also by the duties which, from and after the said twenty ed;
ninth day of *September*, one thousand seven hundred and sixty and upon fu-
four, shall be raised upon sugars and paneles, by virtue of the gars, &c.
the said act made in the sixth year of the reign of his said late ma-
jesty King *George* the Second (except the necessary charges of to be paid into
raising, collecting, levying, recovering, answering, paying, and the Exche-
accounting for the same) shall be paid into the receipt of his quer;
Majesty's Exchequer, and shall be entered separate and apart and to be re-
from all other monies paid or payable to his Majesty, his heirs served to-
or successors: and shall be there reserved, to be, from time to wards defray-
time, disposed of by parliament, towards defraying the necessary ing the
expences of defending, protecting, and securing, the *British* colo- charges of
nies and plantations in *America*. protecting the
British colo-
nies in Ame-
rica.

XII. And it is hereby further enacted by the authority afore- Exporter of
said, That from and after the tenth day of *September*, one thou- wines from
sand seven hundred and sixty four, upon the exportation of any this kingdom
sort of wine (except *French* wines) from this kingdom to any to the British
British colony or plantation in *America*, as merchandize, the colonies in
exporter shall be paid, in lieu of all former drawbacks, a draw- *America*,
back or allowance of all the duties paid upon the importation to be paid a
of such wine, except the sum of three pounds ten shillings per drawback of
ton, part of the additional duty of four pounds per ton, grant- the duties on
ed by an act made in the last session of parliament (intituled, importation;
An act for granting to his Majesty several additional duties upon except 3 l. 10s.
wines imported into this kingdom, and certain duties upon all cyder per ton grant-
and perry, and for raising the sum of three millions five hundred ed by an act
thousand pounds, by way of annuities and lotteries, to be charged on of the last ses-
the said duties) and also except such part of the duties paid upon sion;
wines imported by strangers or aliens, or in foreign ships, as and also the
exceeds what would have been payable upon such wines, if the aliens duty:
same had been imported by *British* subjects and in *British* ships;
any law, custom, or usage, to the contrary notwithstanding;
which drawback or allowance shall be made in such manner,
and under such rules, regulations, penalties, and forfeitures, in
all respects, as any former drawback or allowance, payable out
of the duties of customs upon the exportation of such wine, was,
could, or might be made, before the passing of this act.

He first giving
bond and se-
curity

for the due
exportation
and landing
of the same;

conditioned
to produce a
certificate
thereof from
the proper of-
ficer, within
18 months.

No part of the
old subsidy to
be repaid for
any foreign
goods export-
ed as afore-
said;

except for
wines, white
calicoes, and
muslins:

And upon the
exportation
of white cal-
licoes or
muslins, nei-
ther the moi-
ety of the old
subsidy,
nor the third
part of the
net duties
thereon,
granted by

Act 11 and 12
Will. III.

and 3 and 4
Annæ, shall
be repaid;

XIII. Provided always, and it is hereby further enacted, That upon the entry of any such wine for exportation to any *British* colony or plantation in *America*, and before any debenture shall be made out for allowing the drawback thereon, the exporter shall give bond, with sufficient security, to his Majesty, his heirs and successors, to be approved of by the collector, or other principal officer of the customs at the port of exportation, in treble the amount of the drawback payable for the goods, that the same, and every part thereof, shall (the dangers of the seas and enemies excepted) be really and truly exported to, and landed in, some *British* colony or plantation in *America*, and that the same shall not be exported, or carried to any other place or country whatsoever, nor relanded in any part of *Great Britain*, *Ireland*, or the islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, or either of them: and such bonds shall not be delivered up nor discharged, until a certificate shall be produced, under the hands and seals of the collector or other principal officer of the customs at the port or place where such goods shall be landed, testifying the landing thereof: and the condition of such bond shall be, to produce such certificate in eighteen months from the date of the bonds (the dangers of the seas and enemies excepted.) And it is hereby further enacted by the authority aforesaid, That from and after the first day of *May*, one thousand seven hundred and sixty four, no part of the rate or duty, commonly called *The old subsidy*, shall be repaid or drawn back for any foreign goods of the growth, production, or manufacture, of *Europe*, or the *East Indies*, which shall be exported from this kingdom to any *British* colony or plantation in *America* (wines, white calicoes, and muslins, only excepted;) any law, custom, or usage, to the contrary notwithstanding.

XIV. And it is hereby further enacted by the authority aforesaid, That from and after the tenth day of *September*, one thousand seven hundred and sixty four, upon the exportation of any sort of white calicoes or muslins, except as herein after is mentioned, from this kingdom to any *British* colony or plantation in *America*, besides the one half of the rate or duty commonly called *The old subsidy*, which now remains, and is not drawn back for the same, there also shall not be repaid or drawn back the further sum of four pounds fifteen shillings for every hundred pounds of the true and real value of such goods, according to the gross price at which they were sold at the sale of the united company of merchants trading to the *East Indies*, being the third part of the net duties granted thereon respectively by two several acts of parliament, the one made in the eleventh and twelfth year of the reign of King *William* the Third, intituled, *An act for laying further duties upon wrought silks, muslins, and some other commodities of the East-Indies, and for enlarging the time for purchasing certain reversionary annuities therein mentioned*; and the other made in the third and fourth year of the reign of Queen *Anne*, intituled, *An act for continuing duties upon low wines, and upon coffee, tea, chocolate, spices, and pictures, and upon hawkers, pedlars,*

pedlars, and petty chapmen, and upon muslins; and for granting new duties upon several of the said commodities, and also upon callicoës, China-ware, and drugs; any law, custom, or usage to the contrary notwithstanding.

XV. Provided always, and be it further enacted by the authority aforesaid, That until the first day of *March*, one thousand seven hundred and sixty five, upon the exportation from this kingdom, to any *British* colony or plantation in *America*, of such white callicoës or muslins only as were sold on or before the twenty fifth day of *March*, one thousand seven hundred and sixty four, at the sale of the united company of merchants trading to the *East Indies*, such and the same drawbacks shall be allowed as are now payable upon the exportation of the said goods.

but until 1
March, 1765,
upon exportation of such
white callicoës and muslins as were
sold on or before
25 March
preceding, at
the India
House, the
same draw-

backs shall be allowed as are now payable.

XVI. And be it further enacted by the authority aforesaid, That if any merchant or other person shall, from and after the said first day of *May*, one thousand seven hundred and sixty four, enter any goods for exportation to parts beyond the seas, other than to the said *British* colonies or plantations in *America*, in order to obtain any drawback not allowed by this act upon the exportation of such goods to the said *British* colonies or plantations, and the said goods shall nevertheless be carried to any *British* colony or plantation in *America*, and landed there, contrary to the true intent and meaning hereof, that then, and in such case, the drawback shall be forfeited, and the exporter of such goods, and the master of the ship or vessel on board which the same were laden and exported, shall forfeit double the amount of the drawback paid or to be paid for the same, and also treble the value of the said goods.

Where goods
entered for
exportation
to parts be-
yond the seas,
in order to ob-
tain a draw-
back not al-
lowed by this
act, shall be
carried to any
British plan-
tation in A-
merica,
such draw-
back shall be
forfeited, and
double the
amount there-

of; with treble the value of the goods.

XVII. And it is further enacted by the authority aforesaid, That from and after the said first day of *May*, one thousand seven hundred and sixty four, if any goods, not allowed to draw back any part of the old subsidy, or any other duty by this act, shall be entered for exportation from this kingdom to any other place beyond the seas, except to some *British* colony or plantation in *America*, in every case where the exporter is required, by any law now in force, to swear that such goods are not landed or intended to be landed in *Great Britain*, *Ireland*, or the isle of *Man*, there shall also be added to, and included in, the oath upon the debenture for such goods, "any *British* colonies or plantations in *America*."

Addition to
the oath upon
debentures,
for such goods
as shall be en-
tered for ex-
portation to
other places
beyond the
seas, than to
the *British*
American
plantations.

XVIII. And be it further enacted by the authority aforesaid, That from and after the twenty ninth day of *September*, one thousand seven hundred and sixty four, no rum or spirits of the produce or manufacture of any of the colonies or plantations in *America*, not in the possession or under the dominion of his Majesty, his heirs or successors, shall be imported or brought into any of the colonies or plantations in *America* which now are, or hereafter may be, in the possession or under the dominion of his

Foreign rum
or spirits im-
ported into
any of the
British plan-
tations in A-
merica,

liable to be forfeited, together with vessel, &c.

Majesty, his heirs or successors, upon forfeiture of all such rum or spirits, together with the ship or vessel in which the same shall be imported, with the tackle, apparel, and furniture thereof; to be seized by any officer or officers of his Majesty's customs, and prosecuted in such manner and form as herein after is expressed; any law, custom, or usage, to the contrary notwithstanding.

No sugars may be imported into Ireland, but such as shall be shipped in Great Britain, and carried directly from thence.

XIX. And it is hereby further enacted and declared by the authority aforesaid, That from and after the twenty ninth day of *September*, one thousand seven hundred and sixty four, nothing in the before-recited act made in the sixth year of the reign of his late majesty King *George* the Second, or any other act of parliament, shall extend, or be construed to extend, to give liberty to any person or persons whatsoever to import into the kingdom of *Ireland*, any sort of sugars, but such only as shall be fairly and *bona fide* loaden and shipped in *Great Britain*, and carried directly from thence in ships navigated according to law.

Exporter of rum, spirits, paneles, molasses or syrups, from the British colonies in America, as of the growth thereof, to produce and deliver to the proper officer before clearing, an affidavit of the quality of the goods, and denomination of the packages, &c.

XX. And, for the better preventing frauds in the importation of foreign sugars and paneles, rum and spirits, molasses and syrups, into any of his Majesty's dominions, under pretence that the same are the growth, produce, or manufacture, of the *British* colonies or plantations, it is further enacted by the authority aforesaid, That from and after the twenty ninth day of *September*, one thousand seven hundred and sixty four, every person or persons loading on board any ship or vessel, in any of the *British* colonies or plantations in *America*, any rum or spirits, sugars or paneles, molasses or syrups, as of the growth, product, or manufacture, of any *British* colony or plantation, shall, before the clearing out of the said ship or vessel, produce and deliver to the collector or other principal officer of the customs at the loading port, an affidavit signed and sworn to before some justice of the peace in the said *British* colonies or plantations, either by the grower, maker, or shipper, of such goods, or his or their known agent or factor, expressing, in words at length and not in figures, the quality of the goods so shipped, with the number and denomination of the packages, and describing the name or names of the plantation or plantations, and the name of the colony where the same grew or were produced and manufactured; which affidavit shall be attested, under the hand of the said justice of the peace, to have been sworn to in his presence; who is hereby required to do the same without fee or reward: and the collector or other principal officer of the customs to whom such affidavit shall be delivered, shall thereupon grant to the master, or other person having the charge of the ship or vessel, a certificate under his hand and seal of office (without fee or reward) of his having received such affidavit pursuant to the directions of this act; which certificate shall express the quality of the goods shipped on board such ship or vessel, with the number and denomination of the packages: and such collector or other principal officer of the customs shall also (without fee or reward) within thirty days after the sailing of the ship or vessel, transmit an exact copy of the said affidavit to the secretary's office

Officer to grant the master of the vessel a certificate thereof;

and to transmit a copy of such affidavit to the secretary's office

for the respective colony or plantation where the goods were shipped, on forfeiture of five pounds.

XXI. And it is further enacted, That upon the arrival of such ship or vessel into the port of her discharge, either in *Great Britain* or any other port of his Majesty's dominions, where such goods may be lawfully imported, the master or other person taking the charge of the ship or vessel shall, at the time he makes his report of his cargo, deliver the said certificate to the collector or other principal officer of the customs, and make oath before him, that the goods so reported are the same that are mentioned in the said certificate, on forfeiture of one hundred pounds; and if any rum or spirits, sugars or paneles, molasses or syrups, shall be imported or found on board any such ship or vessel, for which no such certificate shall be produced, or which shall not agree therewith, the same shall be deemed and taken to be foreign rum and spirits, sugar and paneles, molasses and syrups, and shall be liable to the same duties, restrictions, regulations, penalties, and forfeitures, in all respects, as rum, spirits, sugar, paneles, molasses, and syrups, of the growth, produce, or manufacture, of any foreign colony or plantation, would respectively be liable to by law,

XXII. Provided always, That if any rum or spirits, sugar or paneles, molasses or syrups, shall be imported into *Great Britain* from any *British* colony or plantation in *America*, without being included in such certificate as is herein before directed, and it shall be made to appear, to the satisfaction of the commissioners of his Majesty's customs at *London* or *Edinburgh* respectively, that the goods are really and truly the produce of such *British* plantation or colony, and that no fraud was intended, it shall and may in such case be lawful for the said respective commissioners to permit the said goods to be entered, upon payment of the like duties as such goods would be liable to if this law had not been made.

XXIII. And whereas by an act of parliament made in the twelfth year of the reign of King *Charles* the Second, intituled, *An act for encouraging and increasing of shipping and navigation*, and several subsequent acts of parliament which are now in force, it is, amongst other things, directed, that for every ship or vessel that shall load any commodities, in those acts particularly enumerated, at any *British* plantation, being the growth, product, or manufacture thereof, bonds shall be given with one surety, to the value of one thousand pounds, if the ship be of less burthen than one hundred tons, and of the sum of two thousand pounds; if the ship be of greater burthen, that the same commodities shall be brought by such ship or vessel to some other *British* plantation, or to some port in *Great Britain*; notwithstanding which, there is great reason to apprehend such goods are frequently carried to foreign parts, and landed there: and whereas great quantities of foreign molasses and syrups are clandestinely run on shore in the *British* colonies, to the prejudice of the revenue, and the great detriment of the trade of this kingdom, and it's *American* plantations: to remedy which practices for the future, be it further enacted

for the colony, on penalty of 5l.

On arrival of the vessel at the port of discharge, the master is to deliver the certificate to the proper officer, and make oath of the identity of the goods, on penalty of 100l.

and goods found on board not certified for, are to pay foreign duties.

Where any such goods, not included in the certificate, shall be imported without intending a fraud, they may be admitted to entry, paying the usual duties.

Clause in act 12 Car. II.

Bond and security to be given pursuant to the recited act, in case of lading any enumerated goods, that any foreign molasses and syrups, on board, shall be brought to some of the British plantations in America, or to Great Britain; of which report is to be made at the port of arrival.

Non-enumerated goods laden on board without bond given, are forfeited, with the vessel.

Master before sailing from the port of lading, is to take a certificate of his having given bond;

which, upon completing his voyage, he is to deliver up at the port of discharge, on penalty of 100*l*.

British vessels with any British American goods, or foreign molasses or syrups, discovered near the British American coasts, not producing a certificate

enacted by the authority aforesaid, That from and after the twenty ninth day of *September*, one thousand seven hundred and sixty four, bond and security, in the like penalty, shall also be given to the collector or other principal officer of the customs at any port or place in any of the *British American* colonies or plantations, with one surety besides the master of every ship or vessel that shall lade or take on board there any goods not particularly enumerated in the said acts, being the product or manufacture of any of the said colonies or plantations, with condition, that, in case any molasses or syrups, being the produce of any of the plantations, not under the dominion of his Majesty, his heirs or successors, shall be laden on board such ship or vessel, the same shall (the danger of the seas and enemies excepted) be brought, without fraud or wilful diminution, by the said ship or vessel to some of his Majesty's colonies or plantations in *America*, or to some port in *Great Britain*; and that the master or other person having the charge of such ship or vessel, shall, immediately upon his arrival at every port or place in *Great Britain*, or in the *British American* colonies and plantations, make a just and true report of all the goods laden on board such ship or vessel under their true and proper denominations; and if any such non-enumerated goods shall be laden on board any such ship or vessel before such bond shall be given, the goods so laden together with the ship or vessel and her furniture shall be forfeited, and shall and may be seized by any officer of the customs, and prosecuted in the manner herein after directed.

XXIV. And it is hereby further enacted by the authority aforesaid, That every master or person having the charge of any ship or vessel shall, before he departs from any *British* colony or plantation where he receives his lading, take a certificate under the hands and seals of the collector or other principal officer of the customs there (which certificate such officers are hereby required to grant without fee or reward) that bond hath been given, pursuant to the directions of this or any other act of parliament, as the case shall require; and the master or person having the charge of such ship or vessel, shall keep such certificate in his custody till the voyage is completed, and shall then deliver the same up to the collector or other chief officer of the customs at the port or place where he shall discharge his lading, either in *Great Britain* or any *British American* colony or plantation, on forfeiture of one hundred pounds for each and every offence.

XXV. And it is hereby further enacted, That if any *British* ship or vessel laden, as aforesaid, with any goods of the produce or manufacture of any *British* colony or plantation in *America*, or having on board any molasses or syrups the produce of any foreign colony or plantation, shall be discovered by any officer of his Majesty's customs within two leagues of the shore of any *British* colony or plantation in *America*, and the master or person taking charge of such ship or vessel shall not produce a certificate that bond has been given, pursuant to the directions of this or any other act of parliament, as the case may require; or if

if he shall not produce such certificate to the collector or other chief officer of the customs where he shall arrive, either in *Great Britain* or any *British American* colony or plantation, such ship or vessel, with her tackle, apparel, and furniture, and all the goods therein laden, shall be forfeited, and shall and may be seized and prosecuted as herein after is directed.

XXVI. And it is hereby further enacted by the authority aforesaid, That the said bond directed to be given by this act, with respect to such non-enumerated goods, shall continue in force for one year from and after the completion of the voyage; and in case no fraud shall appear within that time, it shall be lawful for the commissioners of his Majesty's customs, or any four or more of them, to direct the said bond to be delivered up.

XXVII. And it is hereby further enacted by the authority aforesaid, That from and after the twenty ninth day of September, one thousand seven hundred and sixty four, all coffee, pimento, cocoa nuts, whale fins, raw silk, hides, and skins, pot and pearl ashes, of the growth, production, or manufacture, of any *British* colony or plantation in *America*, shall be imported directly from thence into this kingdom, or some other *British* colony or plantation, under the like securities, penalties, and forfeitures, as are particularly mentioned in two acts of parliament made in the twelfth and twenty fifth years of the reign of King Charles the Second, the former intituled, *An act for the encouraging and increasing of shipping and navigation*, and the latter intituled, *An act for the encouragement of the Greenland and east-land trades, and for the better securing the plantation trade*, or either of them, with respect to the goods in those acts particularly enumerated; any law, custom, or usage, to the contrary notwithstanding.

XXVIII. And it is hereby further enacted by the authority aforesaid, That from and after the twenty ninth day of September, one thousand seven hundred and sixty four, no iron, nor any sort of wood, commonly called *Lumber*, as specified in an act passed in the eighth year of the reign of King George the First, intituled, *An act for giving further encouragement for the importation of naval stores, and for other purposes therein mentioned*, of the growth, production, or manufacture, of any *British* colony or plantation in *America*, shall be there loaden on board any ship or vessel to be carried from thence, until sufficient bond shall be given, with one surety besides the master of the vessel, to the collector or other principal officer of the customs at the loading port, in a penalty of double the value of the goods, with condition, that the said goods shall not be landed in any part of *Europe* except *Great Britain*; which bonds shall be discharged in the manner hereafter mentioned; that is to say, for such of the said goods as shall be entered for, or landed in, *Great Britain*, the condition of the bonds shall be, to bring a certificate in discharge thereof within eighteen months from the date of the bond; and within six months for such of the said goods as shall be entered for, or landed in, any of the *British* colonies or plantations

as required by law; or not producing one at the port of arrival, are liable to be forfeited. Bond for non-enumerated goods to be in force for 1 year after the voyage; when, if no fraud appear, it is to be given up. Coffee, and other enumerated goods of the British American plantations, to be imported under like securities and penalties, as those in acts 12 & 25 Car. II.

Bond and security to be given before loading any iron or lumber of the British American plantations, condition to land the same, if for Europe, in Great Britain; and to produce a certificate thereof within 18 months; and if for any of the British American plantations, within 6 months;

and if for any other place in America, Africa, or Asia, within 12 months. Where the goods perish, or are taken, the bond is discharged.

tations in *America*; which respective certificates shall be under the hands and seals of the collector or other principal officer of the customs resident at the port or place where such goods shall be landed, testifying the landing thereof; and for such of the said goods as shall be entered for, or landed at, any other place in *America, Africa, or Asia*, to bring the like certificate within twelve months, under the common seal of the chief magistrate, or under the hands and seals of two known *British* merchants residing there; or such bond or bonds shall be discharged, in either of the said cases, by proof upon oath made by credible persons, that the said goods were taken by enemies, or perished in the seas.

No goods to be shipped in one *British* colony to be carried to another, without a sufficiency;

XXIX. And, for the better preventing frauds in the importation or exportation of goods that are liable to the payment of duties, or are prohibited, in the *British* colonies or plantations in *America*, it is further enacted by the authority aforesaid, That from and after the twenty ninth day of *September*, one thousand seven hundred and sixty four, no goods, wares, or merchandizes, of any kind whatsoever, shall be shipped or laden on board any ship or vessel in any of the *British* colonies or plantations in *America*, to be carried from thence to any other *British* colony or plantation, without a sufferance or warrant first had and obtained from the collector or other proper officer of the customs at the port or place where such goods shall be intended to be put on board; and the master of every such ship or vessel shall, before the same be removed or carried out from the port or place where he takes in his lading, take out a cocket or cockets expressing the quantity and quality of the goods, and marks of the package, so laden, with the merchants names by whom shipped and to whom consigned; and if they are goods that are liable to the payment of any duty, either upon the importation into, or upon the exportation from, the said colonies or plantations, the said cocket or cockets shall likewise distinctly specify that the duties have been paid for the same, referring to the times or dates of entry and payment of such duties, and by whom they were paid; which cocket or cockets shall be produced by the master of such ship or vessel, to the collector or other principal officer of the customs at the port or place where such ship or vessel shall arrive in any of the *British* colonies or plantations in *America*, before any part of the goods are unladen or put on shore: and if any goods or merchandizes shall be shipped as aforesaid without such sufferance, or the vessel shall depart and proceed on her voyage without such cocket or cockets, or the goods shall be landed or put on shore before such cocket or cockets are produced at the port or place of discharge, or if the goods do not agree in all respects therewith, the goods, in any or either of those cases, shall be forfeited and lost; and any officer of his Majesty's customs is hereby impowered to stop any such ship or vessel, bound as aforesaid, which shall be discovered within two leagues of the shore of any of the said *British* colonies or plantations in *America*, and to seize and take from thence all the goods

and taking out a proper cocket;

which is to be produced at the port of discharge;

on forfeiture of the goods.

Goods also to be forfeited if they do not agree with the cocket. Vessel discovered near the

goods which shall be found on board such ship or vessel for which no such cocket or cockets shall be produced to him.

coast may be
stop't; and the
goods, for
which no
cocket is pro-
duced, may be
seized.

XXX. And whereas *British* vessels arriving from foreign parts at several of the out ports of this kingdom, fully or in part laden abroad with goods that are pretended to be destined to some foreign plantation, do frequently take on board some small parcels of goods in this kingdom which are entred outwards for some *British* colony or plantation, and a cocket and clearance thereupon granted for such goods, under cover of which the whole cargoes of such vessels are clandestinely landed in the *British* American dominions, contrary to several acts of parliament now in force, to the great prejudice of the trade and revenue of this kingdom; for remedy whereof, be it further enacted by the authority aforesaid, That from and after the first day of *May*, one thousand seven hundred and sixty four, no ship or vessel shall, upon any pretence whatsoever, be cleared outwards from any port of this kingdom, for any land, island, plantation, colony, territory, or place, to his Majesty belonging, or which shall hereafter belong unto or be in the possession or under the dominion of his Majesty, his heirs, or successors, in *America*, unless the whole and entire cargo of such ship or vessel shall be *bona fide*, and without fraud, laden and shipped in this kingdom; and any officer of his Majesty's customs is hereby impowered to stop any *British* ship or vessel arriving from any part of *Europe*, which shall be discovered within two leagues of the shore of any of the said *British* colonies or plantations in *America*, and to seize and take from thence, as forfeited, any goods (except as herein after mentioned) for which the master or other person taking the charge of such ship or vessel shall not produce a cocket or clearance from the collector or proper officer of his Majesty's customs, certifying that the said goods were laden on board the said ship or vessel in some port of *Great Britain*.

No vessel to
be cleared out
for any of the
British colo-
nies in Ame-
rica, unless the
whole cargo
be shipped in
this kingdom;

and where any
European ves-
sel is discover-
ed near such
coasts, the
goods for
which no such
cocket is pro-
duced, may be
seized;

XXXI. Provided always, That this act shall not extend, nor be construed to extend, to forfeit, for want of such cocket or clearance, any salt laden in *Europe* for the fisheries in *New England*, *Newfoundland*, *Pensylvania*, *New York*, and *Nova Scotia*, or any other place to which salt is or shall be allowed by law to be carried; wines laden in the *Madeiras*, of the growth thereof; and wines of the growth of the *Western Islands*, or *Azores*, and laden there; nor any horses, victuals, or linen cloth, of and from *Ireland*, which may be laden on board such ships or vessels.

Salt,

Madeira
wines, &c.
Horses, pro-
visions, or li-
nens from Ire-
land, excepted,
Penalty on
counterfeit-
ing, &c. any
affidavit or
certificate,
500 l. &c.

XXXII. And it is hereby further enacted, That if any person or persons shall counterfeit, raise, alter, or falsify, any affidavit, certificate, sufferance, cocket, or clearance, required or directed by this act, or shall knowingly or willingly make use of any affidavit, certificate, sufferance, cocket, or clearance, so counterfeited, raised, altered, or falsified, such person or persons shall, for every such offence, forfeit the sum of five hundred pounds; and such affidavit, certificate, sufferance, cocket, or clearance, shall be invalid and of no effect.

XXXIII. And

Clause in act
9 Geo. 2.

XXXIII. And whereas by an act of parliament, made in the ninth year of the reign of his late majesty King *George* the Second, intituled, *An act for indemnifying persons who have been guilty of offences against the laws made for securing the revenue of customs and excise, and for enforcing those laws for the future, and by other acts of parliament since made, which are now in force,* in order to prevent the clandestine landing of goods in this kingdom from vessels which hover upon the coasts thereof, several goods and vessels, in those laws particularly mentioned and described, are declared to be forfeited, if such vessels are found at anchor, or hovering within two leagues of the shore of this kingdom, without being compelled thereto by necessity or distress of weather; which laws have been found very beneficial to the publick revenue: and whereas, if some provision of that sort was extended to his Majesty's *American* dominions, it may be a means of preventing an illicit trade therewith, and tend to enforce an act made in the twelfth year of the reign of

22 Car. II. and

1 & 8 Will. 3.

King *Charles* the Second, intituled, *An act for the encouraging and increasing of shipping and navigation,* and another act made in the seventh and eighth years of the reign of King *William* the Third, intituled, *An act for preventing frauds, and regulating abuses in the plantation trade,* so far as those laws do prohibit any goods or commodities to be imported into or exported out of any *British* colony or plantation in *America*, in any foreign ship or vessel; to which end therefore, be it enacted by the authority aforesaid, That from and after the twenty ninth day of *September*, one thousand seven hundred and sixty four, if any foreign ship or vessel whatsoever shall be found at anchor, or hovering within two leagues of the shore of any land, island, plantation, colony, territory, or place, which shall or may be in the possession or under the dominion of his Majesty, his heirs or successors, in *America*, and shall not depart from the coast, and proceed upon her voyage to some foreign port or place, within forty eight hours after the master or other person taking the charge of such ship or vessel shall be required so to do by any officer of his Majesty's customs, unless in case of unavoidable necessity and distress of weather, such ship or vessel, with all the goods therein laden, shall be forfeited and lost, whether bulk shall have been broken or not; and shall and may be seized and prosecuted by any officer of his Majesty's customs, in such manner and form as herein after is expressed.

Foreign vessels found at anchor, or hovering on the coasts of any of the *British* American dominions, and not departing, unless distressed, within 48 hours after notice, are liable to be forfeited, together with the goods.

Except French fishing vessels off Newfoundland.

XXXIV. Provided always, That nothing herein contained shall extend, or be construed to extend, to any ship or vessel belonging to the subjects of the *French* king, which shall be found fishing, and not carrying on any illicit trade, on that part of the island of *Newfoundland*, which stretches from the place called *Cape Bonavista* to the northern part of the said island, and from thence running down to the western side, reaches as far as the place called *Point Riebr*.

XXXV. And, in order to prevent any illicit trade or commerce between his Majesty's subjects in *America*, and the subjects

jects of the crown of France in the islands of *Saint Pierre* and *Miquelon*, it is hereby further enacted by the authority aforesaid, That from and after the twenty ninth day of *September*, one thousand seven hundred and sixty four, if any *British* ship or vessel shall be found standing into, or coming out from, either of those islands, or hovering or at anchor within two leagues of the coasts thereof, or shall be discovered to have taken any goods or merchandizes on board at either of them, or to have been there for that purpose; such ship or vessel, and all the goods so taken on board there, shall be forfeited and lost, and shall and may be seized and prosecuted by any officer of his Majesty's customs; and the master or other person having the charge of such ship or vessel, and every person concerned in taking any such goods on board, shall forfeit treble the value thereof.

British vessels found standing into, or coming out from the isles of St. Pierre and Miquelon, or hovering, &c. on the coasts, or with goods on board from thence, &c. are forfeited, together with the goods;

and the master, &c. forfeits also treble value.

XXXVI. And, to prevent the concealing any goods in false packages, or private places, on board any ship or vessel arriving at any of the *British* colonies or plantations in *America*, with intent to their being clandestinely landed there, be it further enacted by the authority aforesaid, That from and after the twenty ninth day of *September*, one thousand seven hundred and sixty four, all goods which shall be found concealed in any place whatsoever on board any such ship or vessel, at any time after the master thereof shall have made his report to the collector or other proper officer of the customs, and which shall not be comprized or mentioned in the said report, shall be forfeited and lost, and shall and may be seized and prosecuted by any officer of the customs; and the master or other person having the charge or command of such ship or vessel (in case it can be made appear, that he was any wise consenting or privy to such fraud or concealment) shall forfeit treble the value of the goods so found.

Concealed goods found on board, after report made by the master, and not comprized in his report, are forfeited; and the master, being privy to the fraud, forfeits treble the value.

XXXVII. And it is hereby further enacted by the authority aforesaid, That from and after the twenty ninth day of *September*, one thousand seven hundred and sixty four, if any goods or merchandizes whatsoever, liable to the payment of duties in any *British* colony or plantation in *America* by this or any other act of parliament, shall be laden on board any ship or vessel outward bound, or shall be unshipped or landed from any ship or vessel inward bound, before the respective duties due thereon are paid, agreeable to law; or if any prohibited goods whatsoever shall be imported into, or exported out of, any of the said colonies or plantations, contrary to the true intent and meaning of this or any other act of parliament; every person who shall be assisting, or otherwise concerned, either in the loading outwards, or in the unshipping or landing inwards, such goods, or to whose hands the same shall knowingly come after the loading or unshipping thereof, shall, for each and every offence, forfeit treble the value of such goods, to be estimated and computed according to the best price that each respective commodity bears at

If customs goods be either laden on board, or landed, before the duties are paid, or prohibited goods be imported into, or exported out of, any of the *British* colonies in *America*, the persons concerned therein forfeit treble the value;

together with the boats, carriages, and cattle employed.

at the place where such offence was committed; and all the boats, horses, cattle, and other carriages whatsoever, made use of in the loading, landing, removing, carriage, or conveyance, of any of the aforesaid goods, shall also be forfeited and lost, and shall and may be seized and prosecuted, by any officer of his Majesty's customs, as herein after mentioned.

Officer receiving any bribe, &c.

XXXVIII. And it is hereby further enacted by the authority aforesaid, That from and after the twenty ninth day of *September*, one thousand seven hundred and sixty four, if any officer of his Majesty's customs shall, directly or indirectly, take or receive any bribe, recompence, or reward, in any kind whatsoever;

conniving at a false entry; making a collusive seizure; or guilty of other fraud in his office;

or connive at any false entry, or make any collusive seizure or agreement; or do any other act or deed whatsoever by which his Majesty, his heirs or successors, shall or may be defrauded in his or their duties, or whereby any goods prohibited shall be suffered to pass either inwards or outwards, or whereby the forfeitures and penalties inflicted by this or any other act of parliament relating to his Majesty's customs in *America* may be evaded; every such officer therein offending shall, for each and every offence, forfeit the sum of five hundred pounds, and be rendered incapable of serving his Majesty in any office or employment civil or military: and if any person or persons whatsoever shall give, offer, or promise to give, any bribe, recompence, or reward, to any officer of the customs, to do, conceal, or connive at, any act, whereby any of the provisions made by this or any other act of parliament relating to his Majesty's customs in *America* may be evaded or broken, every such person or persons shall, for each and every such offence (whether the same offer, proposal, or promise, be accepted or performed, or not) forfeit the sum of fifty pounds.

forfeits 500l. and is disabled:

And persons giving, or promising, any bribe, &c. to such officer, in order to betray his trust,

may be evaded or broken, every such person or persons shall, for each and every such offence (whether the same offer, proposal, or promise, be accepted or performed, or not) forfeit the sum of fifty pounds.

forfeit 50l.

Clause in act 7 & 8 Will. 3.

XXXIX. And whereas by an act of parliament made in the seventh and eighth year of the reign of King *William* the Third, intituled, *An act for preventing frauds, and regulating abuses, in the plantation trade*, all governors or commanders in chief of any of his Majesty's colonies or plantations, are required to take a solemn oath, to do their utmost that all the clauses, matters, and things, contained in that act, and several other acts of parliament therein referred to, relating to the said colonies and plantations, be punctually and *bona fide* observed, according to the true intent and meaning thereof: and whereas divers other good laws have been since made, for the better regulating and securing the plantation trade: be it further enacted by the authority aforesaid, That all the present governors or commanders in chief of any *British* colony or plantation shall, before the twenty ninth day of *September*, one thousand seven hundred and sixty four, and all who hereafter shall be made governors or commanders in chief of the said colonies or plantations, or any of them, before their entrance into their government, shall take a solemn oath, to do their utmost that all the clauses, matters, and things, contained in any act of parliament heretofore made, and now in force, relating to the said colonies and

Governors, or commanders in chief of the British colonies, are to take an oath for the due execution of their duty in this and all other acts re-

and plantations, and that all and every the clauses contained in this present act, be punctually and *bona fide* observed, according to the true intent and meaning thereof, so far as appertains unto the said governors or commanders in chief respectively, under the like penalties, forfeitures, and disabilities, either for neglecting to take the said oath, or for wittingly neglecting to do their duty accordingly, as are mentioned and expressed in the said recited act made in the seventh and eighth year of the reign of King *William* the Third; and the said oath, hereby required to be taken, shall be administered by such person or persons as hath or have been, or shall be, appointed to administer the oath required to be taken by the said act made in the seventh and eighth year of the reign of King *William* the Third.

XL. And be it further enacted by the authority aforesaid, That all penalties and forfeitures herein before mentioned, which shall be incurred in *Great Britain*, shall and may be prosecuted, sued for, and recovered, in any of his Majesty's courts of record at *Westminster*, or in the court of Exchequer in *Scotland*, respectively; and (all necessary charges for the recovery thereof being first deducted) shall be divided and applied, one moiety to and for the use of his Majesty, his heirs and successors, and the other moiety to the seizer or prosecutor.

XLI. And it is hereby further enacted and declared, That from and after the twenty ninth day of *September*, one thousand seven hundred and sixty four, all sums of money granted and imposed by this act, and by an act made in the twenty fifth year of the reign of King *Charles* the Second, intituled, *An act for the encouragement of the Greenland and Eastland trades; and for the better securing the plantation trade*, as rates or duties; and also all sums of money imposed as penalties or forfeitures, by this or any other act of parliament relating to the customs, which shall be paid, incurred, or recovered, in any of the *British* colonies or plantations in *America*; shall be deemed, and are hereby declared to be sterling money of *Great Britain*, and shall be collected, recovered, and paid, to the amount of the value which such nominal sums bear in *Great Britain*; and that such monies shall and may be received and taken according to the proportion and value of five shillings and six pence the ounce in silver; and that all the forfeitures and penalties inflicted by this or any other act or acts of parliament relating to the trade and revenues of the said *British* colonies or plantations in *America*, which shall be incurred there, shall and may be prosecuted, sued for, and recovered in any court of record, or in any court of admiralty, in the said colonies or plantations where such offence shall be committed, or in any court of vice admiralty which may or shall be appointed over all *America* (which court of admiralty or vice admiralty are hereby respectively authorized and required to proceed, hear, and determine the same) at the election of the informer or prosecutor.

XLII. And it is hereby further enacted, That all penalties and forfeitures so recovered there, under this or any former act

One third to the King,

One third to the governor, and one third to the prosecutor.

But seizures made at sea by the King's ships are to go,

One moiety to the King and the other to the prosecutor;

subject nevertheless to such distribution, as his Majesty by order of council, or proclamation, shall make.

Where the seizure shall not answer the expence of condemnation and sale, or a verdict be given for the claimant, the charges, with approbation of the commissioners, may be defrayed out of the customs in America. No claim to be admitted, till security to answer costs be given, to the amount of 60 l. and

in default, ship and goods to be condemned.

Where ship or goods are seized for any cause of for-

of parliament, shall be divided, paid, and applied, as follows: that is to say, after deducting the charges of prosecution from the gross produce thereof, one third part of the net produce shall be paid into the hands of the collector of his Majesty's customs at the port or place where such penalties or forfeitures shall be recovered, for the use of his Majesty, his heirs and successors; one third part to the governor or commander in chief of the said colony or plantation; and the other third part to the person who shall seize, inform, and sue for the same; excepting such seizures as shall be made at sea by the commanders or officers of his Majesty's ships or vessels of war duly authorized to make seizures; one moiety of which seizures, and of the penalties and forfeitures recovered thereon, first deducting the charges of prosecution from the gross produce thereof, shall be paid as aforesaid to the collector of his Majesty's customs, to and for the use of his Majesty, his heirs and successors, and the other moiety to him or them who shall seize, inform, and sue for the same; any law, custom, or usage, to the contrary notwithstanding; subject nevertheless to such distribution of the produce of the seizures so made at sea, as well with regard to the moiety herein before granted to his Majesty, his heirs and successors, as with regard to the other moiety given to the seizer or prosecutor, as his Majesty, his heirs and successors, shall think fit to order and direct by any order or orders of council, or by any proclamation or proclamations, to be made for that purpose.

XLIII. Provided always, and it is hereby further enacted by the authority aforesaid, That if the produce of any seizure made in *America*, shall not be sufficient to answer the expences of condemnation and sale; or if, upon the trial of any seizure of any ship or goods, a verdict or sentence shall be given for the claimant, in either of those cases, the charges attending the seizing and prosecuting such ship or goods shall and may, with the consent and approbation of any four of the commissioners of his Majesty's customs, be paid out of any branch of the revenue of customs arising in any of the *British* colonies or plantations in *America*; any thing in this or any other act of parliament to the contrary notwithstanding.

XLIV. And it is hereby further enacted by the authority aforesaid, That from and after the said twenty ninth day of *September*, one thousand seven hundred and sixty four, no person shall be admitted to enter a claim to any ship or goods seized in pursuance of this or any other act of parliament, and prosecuted in any of the *British* colonies or plantations in *America*, until sufficient security be first given, by persons of known ability, in the court where such seizure is prosecuted, in the penalty of sixty pounds, to answer the costs and charges of prosecution; and, in default of giving such security, such ship or goods shall be adjudged to be forfeited, and shall be condemned.

XLV. And it is hereby further enacted by the authority aforesaid, That from and after the twenty ninth day of *September*, one thousand seven hundred and sixty four, if any ship or goods

goods shall be seized for any cause of forfeiture, and any dispute shall arise whether the customs and duties for such goods have been paid, or the same have been lawfully imported or exported, or concerning the growth, product, or manufacture, of such goods, or the place from whence such goods were brought, then, and in such cases, the proof thereof shall lie upon the owner or claimer of such ship or goods, and not upon the officer who shall seize or stop the same; any law, custom, or usage, to the contrary notwithstanding.

XLVI. And be it further enacted by the authority aforesaid, That from and after the twenty ninth day of *September*, one thousand seven hundred and sixty four, in case any information shall be commenced and brought to trial in *America*, on account of any seizure of any ship or goods as forfeited by this or any other act of parliament relating to his Majesty's customs, wherein a verdict or sentence shall be given for the claimer thereof; and it shall appear to the judge or court before whom the same shall be tried, that there was a probable cause of seizure, the judge or court before whom the same shall be tried shall certify on the record or other proceedings, that there was a probable cause for the prosecutors seizing the said ship or goods; and, in such case, the defendant shall not be intitled to any costs of suit whatsoever; nor shall the persons who seized the said ship or goods, be liable to any action, or other suit or prosecution, on account of such seizure: and in case any action, or other suit or prosecution, shall be commenced and brought to trial against any person or persons whatsoever, on account of the seizing any such ship or goods, where no information shall be commenced or brought to trial to condemn the same, and a verdict or sentence shall be given upon such action or prosecution against the defendant or defendants, if the court or judge before whom such action or prosecution, shall certify in like manner as aforesaid that there was a probable cause for such seizure, then the plaintiff, besides his ship or goods so seized, or the value thereof, shall not be intitled to above two pence damages, nor to any costs of suit; nor shall the defendant in such prosecution be fined above one shilling.

s. d. damages, and no costs; and the defendant be fined not more than 1 s.

XLVII. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced, either in *Great Britain* or *America*, against any person or persons for any thing done in pursuance of this or any other act of parliament relating to his Majesty's customs, the defendant or defendants in such action or suit may plead the general issue, and give the said acts, and the special matter, in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of such act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be non-suited, or discontinue his action after the defendant or defendants shall have appeared, or if judgment

General issue.

Treble costs.

shall be given upon verdict or demurrer against the plaintiff, the defendant or defendants shall recover treble costs, and have the like remedy for the same as defendants have in other cases by law.

C A P. XVI.

An act to enable infants who are seized of lands, tenements, or hereditaments, within the duchy of Lancaster, or the counties palatine of Chester, Lancaster, or Durham, or the principality of Wales, in fee, or for the life or lives of one or more other person or persons, in trust, or by way of mortgage, to make conveyances of such estates by order of the court of the duchy chamber of Lancaster, of the court of Exchequer of the county palatine of Chester, the court of Chancery of the county palatine of Lancaster, of the court of Chancery of the county palatine of Durham, and of the courts of the great sessions in the principality of Wales.

Preamble reciting clause in act 7 Ann.

WHEREAS by an act of parliament made in the seventh year of the reign of her late majesty Queen Anne, intituled, An act to enable infants who are seized or possessed of estates in fee, in trust, or by way of mortgage, to make conveyances of such estates, persons under the age of one and twenty years, having estates in lands, tenements, or hereditaments, only in trust for others, or by way of mortgage, are enabled and compellable, by the direction and order of the high court of Chancery, or the court of Exchequer, to convey and assure such lands, tenements, or hereditaments, in such manner as the said court of Chancery, or the court of Exchequer, shall, by such order in pursuance of the said act, direct: and whereas the benefit intended by the said act will be manifestly extended, by giving to, and vesting in, the proper respective courts of the duchy of Lancaster, and the courts in the several counties palatine of Chester, Lancaster, and Durham, and the courts of the great sessions in Wales, such and the like power, jurisdiction, and authority, respecting infants who are or shall be seized of lands, tenements, or hereditaments, within the said duchy of Lancaster, and the several counties palatine of Chester, Lancaster, and Durham, and the principality of Wales respectively, in fee, or for the life or lives of one or more other person or persons, as by the said act is given to, and vested in, the high court of Chancery, and the court of Exchequer: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *June*, one thousand seven hundred and sixty four, it shall and may be lawful to and for any person or persons under the age of one and twenty years, having such estate or estates in lands, tenements, or hereditaments, within the duchy of Lancaster, or the counties palatine of Chester, Lancaster, and Durham respectively, or in the principality of Wales, by the direction of the court of the

Infants seized of lands, tenements, or hereditaments, may, by order of the court,

the duchy chamber of *Lancaster*, of the court of *Exchequer* of the county palatine of *Chester*, of the court of *Chancery* of the county palatine of *Lancaster*, of the court of *Chancery* of the county palatine of *Durham*, and of the several courts of the great sessions in *Wales* respectively, signified by an order made upon hearing all parties concerned on the petition or motion of the person or persons for whom such infant or infants shall be so seized as aforesaid, in trust, or of the mortgagor or mortgagors, or guardian or guardians, of such infant or infants, or persons intituled to the monies secured by or upon any such lands, tenements, or hereditaments, whereof any infant or infants are or shall be seized, in trust, or by way of mortgage, or of the person or persons intituled to the redemption thereof, to convey and assure any such lands, tenements, or hereditaments, in such manner as the said several courts of the said duchy, counties palatine, and great session in *Wales*, wherein such lands, tenements, or hereditaments, shall lie, by such order so to be obtained, direct, to any other person or persons; and such conveyance or assurance so to be had and made as aforesaid, shall be as good and effectual in law, to all intents and purposes whatsoever, as if the said infant or infants was or were at the time of making such conveyance or assurance of the full age of one and twenty years; any law, custom, or usage, to the contrary in any wise notwithstanding.

upon petition, or motion made,

make conveyances of such estates;

which shall be deemed good in law.

II. And be it further enacted by the authority aforesaid, That all and every such infant or infants, being only trustee or trustees, mortgagee or mortgagees, as aforesaid, shall and may be compelled, by such order as aforesaid to be obtained, to make such conveyance or conveyances, assurance or assurances, as aforesaid, in like manner as trustees or mortgagees of full age are compellable to convey or assign their trust estates or mortgages.

Infants being only trustees, or mortgagees, may be compelled by such order, to make such conveyances and assurances accordingly.

C A P. XVII.

An act to explain and amend an act, passed in the second year of the reign of his present Majesty, intituled, An act to explain, amend, and reduce into one act of parliament, the several laws now in being, relating to the raising and training the militia within that part of Great Britain called England.

WHEREAS the laws now in force, for the raising and training the militia, within that part of Great Britain called England, are in some respects defective: and whereas frequent delays, and many difficulties have occurred in the execution of the acts now in force for raising and training the militia, from the manner in which the whole execution of the acts is made to depend in all counties, ridings, and places, where the militia has been or shall be raised, upon holding a general meeting, on either the last Tuesday in October, or the last Tuesday in May, in each year; and doubts have arisen, whether, in such case, any subsequent general meetings can now be called for the purposes of the said acts, unless there shall have been a previous general meeting on one of the days before specified; may it therefore

Preamble.

In counties where the militia has been or shall be raised, general meetings may be summoned in the same manner as in counties where the militia has not been raised, and shall have the same power as meetings held on the last Tuesday in May, or the last Tuesday in October.

In every county, &c. where the office of lord lieutenant is vacant his Majesty to appoint 3 deputy lieutenants, to execute that office so far as relates to the acts for raising and training the militia.

No volunteer or substitute to be admitted and sworn, who shall not be 5 feet 4 inches high.

A person being inrolled to serve in the militia of one county, and who shall engage and be inrolled to serve in the militia of another county,

please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful for his Majesty's lieutenant of every county, riding, and place, where the militia has been or shall be raised, together with any two or more deputy lieutenants, and on the death or removal, or in the absence of his Majesty's lieutenant, any three or more deputy lieutenants, whenever and as often as they shall find necessary, to summon, or cause to be summoned, a general meeting, according to the directions of the act, passed in the second year of the reign of his present Majesty, for summoning general meetings in counties where the militia has not been raised; which general meetings herein directed, shall have the same powers as if such general meetings had been held on the last *Tuesday* in *May*, or on the last *Tuesday* in *October*, in each year, in pursuance of the said act.

II. And whereas the raising the militia has, in some counties, been delayed by the vacancy of lord lieutenants in particular counties, and it is essential to the good of the service, and the establishment of a militia, which, to be effectual, should be general, that such local difficulties should be removed for the future; be it therefore enacted, and it is hereby enacted, That in every county, riding, and place, where the office of lord lieutenant is, or shall be vacant, it shall and may be lawful for his Majesty, his heirs and successors, to appoint three persons out of the deputy lieutenants of any such county, riding, or place, to execute the office of lord lieutenant of such county, riding, or place, so far as the same relates to the executing the several powers and authorities vested in lieutenants, in and by the several acts of parliament for the raising and training the militia, during such vacancy.

III. And whereas many inconveniencies have arisen in the service, from the want of some description of the men who shall be accepted as volunteers, offered by parishes as parochial substitutes, or of men tendered to serve as substitutes by persons chosen by ballot; be it enacted, That no such volunteer or substitute shall be admitted and sworn to serve in the militia who shall not be five feet four inches in height, and able and fit for service.

IV. And whereas it is become necessary to prevent the militia men of one county from inrolling themselves in the militia of another; be it therefore enacted, That if any person, after being inrolled in the militia of one county, riding, or place, shall, during such service, engage and be inrolled to serve in the militia of any other county, riding, or place, he shall, upon conviction thereof before any one justice of the peace of the county in which he shall last enter into the said militia, forfeit and pay any sum not exceeding the sum of ten pounds; and in case such person shall not immediately pay such penalty, such justice of the peace shall, by warrant under his hand and seal, commit such person

Person to the common gaol of the county, riding, or place, where he shall have been so convicted, there to remain without bail or mainprize, for any time not exceeding three months, or unless he shall sooner pay the penalty aforesaid.

V. And whereas the provisions in the said act, passed in the second year of the reign of his present Majesty, for reimbursing officers of parishes the monies by them expended for the relief of militia men, who on their march, or at the place where they shall be called out to annual exercise, shall, by sickness or otherwise, want such relief, have been found insufficient for the purposes thereby intended; be it therefore enacted, That in case any man serving in the militia shall, on the march, or at the place where he shall be called out to annual exercise, be disabled by sickness or otherwise, it shall and may be lawful for any one justice of the peace of the county, riding, or place, or any mayor or chief magistrate of any city, town, or place, where such man shall then be, by warrant under his hand and seal, to order him such relief as he shall think reasonable; and the officers of the parish, tything, or place, where such militia man shall be so relieved, shall, upon producing an account of the expences occasioned thereby, allowed under the hand of a justice of the peace, to the treasurer of the county, riding, or place, for which such militia man shall serve, shall be reimbursed such expences by the treasurer of such county, out of the county stock, and such treasurer shall, upon producing such account allowed as aforesaid, be allowed the same in his accounts.

VI. And whereas, as the laws for regulating the militia now stand, no power is given of punishing such militia men as shall, after having joined their corps, desert during the time of annual exercise, and not be taken till after the expiration of the time of such annual exercise, and consequently of the period now fixed for the continuance of martial law; be it therefore enacted, That if any militia man shall so offend, and not be apprehended during the time of such annual exercise, every such militia man, being thereof convicted upon oath, before one justice of the peace, of any county where such militia man shall be apprehended, shall incur the penalty, and be subject to the punishment, inflicted by the said act of the second year of his present Majesty upon militia men not joining their corps.

taken till after the expiration of the time of annual exercise, shall incur penalty as militia men not joining their corps.

VII. And whereas it would be very conducive to the preservation of order and discipline, during the time of annual exercise, of great convenience to the corporals and private militia men in the supplying them with necessaries, and of essential utility to their respective families, if the captains or commanding officers were enabled to stop a limited part of the daily pay of such corporals and private men when called out to annual exercise; be it therefore enacted, That it shall and may be lawful for every captain or commanding officer of the militia, to put the cor-

forfeits 10l. if not immediately paid, to be committed for any time not exceeding 3 months.

A militia man on the march, or at the place of exercise, disabled by sickness, or otherwise, to be relieved by the officers of the parish where he shall then be, and parish officers to be reimbursed the expences occasioned thereby, out of the county stock, upon producing accounts thereof allowed by a justice of the peace.

Militia men who after having joined their corps, shall desert, during the time of annual exercise, and shall not be the same penalty

A captain or commanding officer may put corporals and

private men under stoppages, not exceeding 6d. a day, and shall account with them for such stoppages before they are dismissed from annual exercise.

porals and private militia men of his company under stoppages, not exceeding six pence a day, for the purposes aforesaid: provided always, That every captain and commanding officer shall account with each corporal or private militia man for the said stoppages, before such corporal or private man shall be dismissed from the said annual exercise, having first deducted what shall have been laid out for them for necessaries and repair of arms damaged by their neglect.

VIII. And whereas no powers are granted by the said act, passed in the second year of the reign of his present Majesty, for punishing drummers for misbehaviour during the time the militia to which they belong is not called out to annual exercise (except by their being displaced by their captain) which defect in the law has been found inconvenient to the service of the militia; be it therefore enacted, That if any drummer shall be negligent in his duty, or disobedient to the orders of the adjutant, or other his superior officers, and be thereof convicted upon the oath of the adjutant, or other superior officer, or other credible witness, before one or more justice or justices of the peace of the county in the militia of which such drummer serves, such drummer shall forfeit and pay any sum not exceeding forty shillings, at the discretion of such justice or justices; and if such drummer shall not immediately pay such penalty, it shall and may be lawful for the captain, or commanding officer of the company of militia to which such drummer shall belong, and he is hereby required to stop the pay of such drummer, until the same shall amount to the sum of money ascertained by such justice or justices, as the penalty inflicted upon such drummer; and the said captain, or commanding officer, shall pay the same to the clerk of the regiment or battalion, to be applied and accounted for as part of the common stock of such regiment or battalion; and the receipt of the clerk for such sum shall be a discharge to the captain, or commanding officer for the same; and the money so paid, shall be deemed as so much money paid to such drummer for his service in the militia.

IX. And whereas by the said act, passed in the second year of the reign of his present Majesty, it is enacted, That in all counties and places where the militia has not, or shall not be raised, by virtue of the several acts made for raising the militia forces, that the sum of five pounds shall be annually paid for and in lieu of every private man therein directed to be raised within each respective county, riding, and place; which said sum and sums of five pounds *per* man, the justices of the peace of each respective county, riding, and place, assembled at their general or quarter sessions, are directed to rate and assess on the county; and that the said sum and sums shall be rated and assessed in such and the same manner, and according to such and the same proportions, upon every town, parish, and place, within each respective county or riding, and shall be collected, received, levied, paid, and accounted for, by the persons making such collection, in such manner, and by such means, as the county rates

A drummer negligent in his duty, or disobedient to the orders of the adjutant, or other superior officer, to forfeit not exceeding 40s. if not immediately paid, the captain of the company to stop the pay of such drummer, to pay the penalty; penalty to be applied as part of the common stock of the regiment or battalion.

rates have been usually, or may, by an act made in the twelfth year of the reign of his late Majesty, intituled, *An act for the more easy assessing, collecting, and levying of county rates*, be assessed, collected, received, levied, paid, and accounted for: and whereas there are several cities, towns, and places, in many counties and ridings, which do not contribute to the payment of the said rate, called the *County Rate*, by reason whereof doubts have arisen, whether such cities, towns, and places can be legally rated or assessed towards the payment of the said sum and sums of five pounds *per man*, in pursuance of the directions of the said act of the second year of the reign of his present Majesty: and whereas it is just and reasonable, that all such cities, towns, and places, should bear an equal share and proportion of the said payment of five pounds *per man* with each county or riding within which such cities, towns, and places, may happen to lie; be it therefore enacted, That in all cases where the militia has not been raised, or shall not at any time hereafter be raised, for any county or riding, within which any city, town, or place, shall not be rated to the said rate called the *County Rate*, the payment of the said sum of five pounds *per man*, upon the whole number of private militia men directed to be raised within every county or riding, shall be divided and apportioned between each respective county or riding, and each such respective city, town, and place within the same, as shall not contribute to the said rate, called the *County Rate*, in such proportion as the respective quotas paid to the land tax by each respective county or riding, and by each such respective city, town, and place, bear to each other, and the respective sum and sums so ascertained and apportioned shall be rated, levied, and paid, out of the rates for the relief of the poor, to be collected within each such respective city, town, and place, not rated to the said rate, called the *County Rate*, by such ways and means, and with such powers and regulations for levying, collecting, and keeping the same distinct, as are prescribed in the said act passed in the second year of the reign of his present Majesty, for each respective county or riding; and the churchwardens and overseers of the poor of each such respective city, town, and place, shall, from time to time, pay over the same to the treasurer or treasurers of every county or riding within which any such city, town, and place as aforesaid lies, in order that the said treasurer or treasurers may pay over the same to the receiver general of the said county or riding, together with the proportion of the said sum of five pounds *per man*, directed to be rated, levied, and paid, by each county or riding, by the said act passed in the second year of the reign of his present Majesty.

X. And be it further enacted, That in such cities, towns, and places, as are counties of themselves, and yet have no such rate or assessment as is called the *County Rate*, nor any powers or directions for rating, levying, or collecting the proportion of the said sum of five pounds *per man*, to be raised by the county to which the said cities, towns, or places are, by the said act passed

Where the militia shall not be raised for any county within which any city shall not be rated to the county rate, the payment of $\text{£}5.$ *per man* shall be apportioned between such county and city as the respective quotas paid to the land tax bear to each other; and the sums so apportioned shall be paid out of the poor's rate collected in such city by the churchwardens and overseers of the poor, to the treasurer of the county, to be by him paid to the receiver general, together with the proportion of the said sum of $\text{£}5.$ to be paid by such county.

The same method to be followed in such cities as are counties of themselves.

in

in the second year of the reign of his present Majesty, united for the purposes of the said act, the directions herein before given, for rating, levying, and collecting the proportion of the said sum of five pounds per man, within such cities, towns, and places, as do not contribute to the county rate, shall be pursued and followed in all such cities, towns, or places, as are counties of themselves.

Where a town lies in two counties they are to contribute their quota, in lieu of raising the militia, for that county in which their church stands; and the deficiencies of the other county rates, are to be made up by the county in general.

XI. And whereas, in some parts of this kingdom there are towns which lie in two counties, and doubts have arisen, whether such towns are obliged to pay to both counties the sum of five pounds in lieu of every private militia man which shall not be raised by such counties; be it therefore enacted by the authority aforesaid, That where any town lies in two counties, it shall be lawful for the said town to contribute their quota, for and in lieu of raising the militia, for that county only where the church of the said town is situate; and the deficiencies of the other county rate, which the said town would have paid, shall be made up by the county in general, and not by the division or hundred where the said town is situated.

and the deficiencies of the other county rates, are to be made up by the county in general.

CAP. XVIII.

An act for charging on the sinking fund certain annuities granted by an act passed in the first year of the reign of his present Majesty; and for carrying the duties therein mentioned, to the said fund; and also for consolidating such of the said annuities as are granted for a certain term of years, irredeemable, with other annuities granted by an act passed in the second year of his present Majesty's reign.

Preamble, reciting clauses in act 1 Geo. III.

WHEREAS, in pursuance of an act of parliament made in the first year of the reign of his present Majesty, intituled, An act for granting to his Majesty an additional duty upon strong beer and ale; and for raising the sum of twelve millions, by way of annuities and a lottery, to be charged on the said duty; and for further encouraging the exportation of strong beer and ale; several persons, bodies politic or corporate, have advanced and lent the sum of twelve millions upon the credit of the several duties upon strong beer and ale by the said act granted, for the purchase of annuities transferrable at the bank of England, after the rate of three pounds per centum per annum, upon the said sum of twelve millions; and also of an annuity after the rate of one pound, two shillings, and six pence, per annum, for every hundred pounds of the sum of eleven millions four hundred thousand pounds, part of the said sum of twelve millions so subscribed as aforesaid, for a certain term of ninety nine years, to be computed from the fifth day of January, one thousand seven hundred and sixty one: and whereas in pursuance of an act of parliament made in the second year of the reign of his present

for Majesty, intituled, An act for raising by annuities; in manner therein mentioned, the sum of twelve millions to be charged on the sinking fund; and for applying the surplus of certain duties on spirituous liquors, and also the monies arising from the duties on spirituous liquors, granted by an act of this session of parliament; several persons, bodies politic or corporate, have advanced and lent the sum of twelve millions upon the credit of the surplus of the several duties on spirituous liquors, granted by two acts of parliament of the twenty fourth and thirty third years of the reign of his late Majesty King George the Second, and on the credit of the several duties on spirituous liquors, granted by an act of the second year of his present Majesty, for the purchase of annuities transferrable at the bank of England, at the rates following; that is to say, for every sum of eighty pounds by them advanced towards the sum of nine millions six hundred thousand pounds, part of the said twelve millions, to be intitled to one hundred pounds capital, being an interest of four pounds per centum per annum, during the term of nineteen years; and after the expiration thereof, to an annuity of three pounds per centum per annum on every hundred pounds of such capital, redeemable by parliament; and for every twenty pounds of the sum of two millions four hundred thousand pounds, remainder of the said twelve millions, to an annuity of one pound per annum, for a certain term of ninety eight years, to be computed from the fifth day of January, one thousand seven hundred and sixty two: and whereas it is thought necessary that the said annuities granted for the term of ninety nine years from the fifth of January, one thousand seven hundred and sixty one, by the said act of the first year of the reign of his present Majesty, and transferrable at the bank of England, should be, with the consent of the proprietors thereof, added to, and made a joint stock with, the said annuities granted by the said act of the second year of the reign of his present Majesty, for the term of ninety eight years, from the fifth day of January, one thousand seven hundred and sixty two, also transferrable at the bank of England; and that the charges and expences of the said annuities granted in the first year of the reign of his present Majesty, be charged upon and paid out of the sinking fund, in the same and like manner as those of the said annuities granted in the second year of the reign of his present Majesty are paid and payable: and whereas it is thought necessary that the said principal sum of twelve millions borrowed on the credit of the said act of the first year of the reign of his present Majesty, together with the charges and expences attending the same, should be, with the consent of the proprietors thereof to be signified within the time herein after-mentioned, charged upon, and paid out of, the fund commonly called The Sinking Fund; and that the several duties upon strong beer and ale, which by the said act were made a fund for the payment of the said three pounds per centum per annum annuities, should be carried to and made part of the said fund; may it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled,

The long annuities granted by the recited act of 1 Geo. III. with consent of the proprietors, to be added to, and made a joint stock with, those granted by act 1 Geo. III. and to be charged upon and payable out of the Sinking Fund.

bled, and by the authority of the same, That from and after the fifth day of *January*, one thousand seven hundred and sixty-four, the said annuities granted by the said act of the first year of the reign of his present Majesty, for the term of ninety nine years, from the fifth day of *January*, one thousand seven hundred and sixty one, shall be, with the consent of the several proprietors, added to, and made a joint stock with, the annuities which were granted by the said act of the second year of the reign of his present Majesty, for the term of ninety eight years, from the fifth day of *January*, one thousand seven hundred and sixty two, transferrable at the bank of *England*; and that the charges and expences thereof be charged upon, and paid out of, the fund commonly called *The Sinking Fund*, in the same and like manner as those of the said annuities granted for ninety eight years, in the second year of the reign of his present Majesty, are paid and payable; any thing in the said act made in the first year of the reign of his present Majesty to the contrary thereof in any wise notwithstanding.

The principal sum of 12,000,000*l.* borrowed on the credit of act 1 Geo. III. with the charges attending to be charged, with consent of the proprietors, on the Sinking Fund, and paid thereout, till redeemed. Annuity not entering their dissent on or before 1 June, 1764. to the charging their respective annuities on the Sinking Fund, deemed to assent thereto.

II. And be it further enacted by the authority aforesaid, That from and after the fifth day of *January*, one thousand seven hundred and sixty four, the said principal sum of twelve millions borrowed on the credit of the said act of the first year of the reign of his present Majesty, carrying an interest after the rate of three pounds *per centum per annum*, together with the charges and expences attending the same, shall be, with the consent of the proprietors, charged upon, and paid out of, the fund commonly called *The Sinking Fund*, until redemption thereof by parliament; any thing in the said act made in the first year of his present Majesty's reign to the contrary thereof in any wise notwithstanding.

III. And be it further enacted by the authority aforesaid, That such proprietors of the said annuities for ninety nine years, and also such proprietors of the said annuities on the capital sum of twelve millions redeemable by parliament, granted by the said act of the first year of the reign of his present Majesty, who shall not on or before the first day of *June*, one thousand seven hundred and sixty four, signify their dissent to the charging their respective annuities on the sinking fund in books to be opened at the bank of *England* for that purpose, shall be deemed and taken to assent thereto; any thing to the contrary thereof in any wise notwithstanding.

The monies arising by the duties, made a fund for payment of the said annuities and principal sums,

IV. And be it further enacted by the authority aforesaid, That all the monies which have arisen since the fifth day of *January*, one thousand seven hundred and sixty four, or that shall or may hereafter arise of the several duties upon strong beer and ale, which were made a fund for the payment of three pounds *per centum per annum*, in manner above mentioned, on twelve millions; and also of the said annuities for ninety nine years, by virtue of the said act made in the first year of the reign of his present Majesty (which sum of twelve millions was granted towards the supply of the year one thousand seven hundred and sixty

sixty one) shall be carried to, and made part of, the fund commonly called *The Sinking Fund*; and the same shall be deemed and taken to be part of the same sinking fund; and shall be issued and applied to such uses and purposes as the several excesses, surplusses, or overplus monies composing the sinking fund, are or may be issued and applied; any thing in the said act of the first year of the reign of his present Majesty to the contrary thereof in any wise notwithstanding.

to be carried to the Sinking Fund, and applied accordingly.

C A P. XIX.

An act for importing salt from Europe into the province of Quebec in America, for a limited time.

WHEREAS the rivers, bays, and coasts, of the colony of Quebec in America, and the seas adjoining, are commodiously situated for carrying on a very advantageous fishery, to the great benefit of the inhabitants of the said colony, and to the extending the commerce and increasing the riches of these kingdoms: and whereas it would be of great advantage to the said fishery, if his Majesty's subjects were permitted to import salt into the said colony directly from foreign parts, in like manner as is allowed with respect to the fisheries of New England, Nova Scotia, and Newfoundland, by several laws now in being: may it please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June, one thousand seven hundred and sixty four, it shall and may be lawful to and for any of his Majesty's subjects to carry and import salt from any part of Europe into the said province of Quebec in America, in British ships and vessels manned and navigated according to the act of parliament made in the twelfth year of the reign of King Charles the Second, intituled, *An act for encouraging and increasing of shipping and navigation*, and in the same manner as salt may be imported from Europe into New England and Newfoundland by an act made in the fifteenth year of the reign of the said King Charles the Second, intituled, *An act for the encouragement of trade*; any law, statute, usage, or custom, to the contrary in any wise notwithstanding.

Preamble.

From and after 24 June 1764, salt may be imported in British vessels, manned and navigated according to act 12 Car. II. from any port of Europe into the province of Quebec; in like manner as into New England, act 15 Car. II.

&c. by virtue of

II. And be it further enacted by the authority aforesaid, That this act shall continue and be in force from and after the said twenty fourth day of June, for the term of one year, and from thence to the end of the then next session of parliament.

Act to be in force for one year from 24 June 1764.

C A P. XX.

An act for vesting the fort of Senegal, and its dependencies, in the company of merchants trading to Africa.

Preamble, reciting clauses in act 23 Geo. II.

The fort of Senegal, and its dependencies, vested in the African company.

Clause in the recited act.

The committee having the direction and management of the affairs of the company, impower-

WHEREAS by an act made in the twenty third year of the reign of his late majesty King George the Second, intituled, An act for extending and improving the trade to Africa, all the British forts, settlements, and factories, on the coast of Africa, and all other the regions, countries, dominions, territories, continents, coasts, ports, bays, rivers, and places, within the limits of the said act described, were vested in the company by the said act established, and called The company of merchants trading to Africa, and their successors, to the intent and purpose, that the said forts, settlements, and premisses, should be employed at all times thereafter; only for the protection, encouragement, and defence, of the said trade: and whereas the fort of Senegal and its dependencies were, by the late treaty of peace, ceded to Great Britain, and are now subject thereto: and whereas it would be of advantage to Great Britain, and to the trade to Africa, if the said fort and its dependencies were also vested in the said company: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, the fort of Senegal, and its dependencies, shall be, and the same, and every part thereof, are hereby declared to be, vested in the company of merchants trading to Africa, to be employed at all times hereafter for the protection, encouragement, and defence of the African trade, in the same manner, and under the same regulations, and subject to the same rules, orders, directions, governments, limitations, restrictions, powers, and authorities; as the other forts and settlements on the coast of Africa are now vested in the said company, and subject to, by virtue of the said recited act, in as full, ample, and effectual manner, as the same could or would have been, if the said fort and dependencies had been mentioned in the said act, or all the clauses, provisos, authorities, powers, directions, limitations, restrictions, matters, and things, contained in the said recited act, were herein again repeated and enacted.

II. And whereas by the said recited act, the committee for the time being having the direction and management of the affairs of the said company, are impowered, out of the monies they shall receive, to deduct annually a sum not exceeding eight hundred pounds, for paying salaries, house-rent, and other charges, and for the other purposes mentioned in the said act; which sum will now be inadequate to the expences of the said committee, and the intention of the said act; be it therefore further enacted by the authority aforesaid, That the said committee shall deduct annually out of the monies they shall receive, a further sum not exceeding four hundred pounds, for the purpose of paying

paying the salaries of their clerks and agents at *London, Bristol, and Liverpool*, the house-rent of their office in *London*, and all charges of management, commission, or agency, in *England*, and as a further compensation for their trouble and attendance in the said office as committee-men. ed to deduct, annually, a further sum of 400*l.* for salaries, house-rent, &c.

III. And be it further enacted by the authority aforesaid, Publick act.
That this act shall be deemed, and taken to be a publick act, and shall be taken notice of as such by all judges, justices, and other persons whatsoever, without specially pleading the same.

CAP. XXI.

An act for taking and swearing affidavits to be made use of in any of the courts of the county palatine of Durham.

WHEREAS it hath been found very inconvenient, that no Preamble.
person or persons is or are empowered to grant commissions for the taking and swearing of affidavits to be read and made use of in the court of chancery of and for the county palatine of Durham, and in the court of session of pleas held in and for the said county palatine of Durham, before his Majesty's justices as well of pleas of the crown as of common pleas, and all manner of pleas whatsoever within the said county palatine of Durham, in the several matters and causes depending in the said courts respectively; for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the chancellor of the county palatine of Durham for the time being, the justices of the court of pleas in and for the said county palatine for the time being, or any two of them in their session of pleas, shall and may, by one or more commission or commissions under the several seals of the said respective courts of chancery and court of pleas in and for the said county palatine of Durham, from time to time, as need shall require, empower what and as many persons as shall be thought fit and necessary, to take and swear all and every such affidavit and affidavits as any person or persons shall be willing and desirous to make before any of the persons so empowered, in or concerning any cause, matter, or thing, depending, or hereafter to be depending, or any wise concerning any of the proceedings to be in either of the said courts of chancery, or court of pleas, in and for the said county palatine of Durham, as masters in chancery in extraordinary do use to do; which said affidavits, taken as aforesaid, shall be filed in the several and respective offices of the said court of chancery, and the court of pleas, in and for the said county palatine of Durham; and the same shall and may be read and made use of in the said respective courts, to all intents and purposes, as other affidavits taken in the said courts now are: and that all and every affidavit and affidavits, taken as aforesaid, shall be of the same force as affidavits taken in the said respective courts now are: and all and every person and persons forswearing him, her, or themselves, The chancellor, and justices of the court of pleas, empowered to issue commissions to proper persons to take and swear affidavits in causes depending in their respective courts.
The affidavits to be filed in the proper courts, and read in evidence.
Penalty of forswearing.
in

Cursitor to make out the commissions, upon a fiat from the chancellor; and fiat from a justices of the pleas; and make an entry thereof.

His fees for each commission.

Commissioners fees for swearing affidavits.

Officers of the respective courts empowered to take affidavits as heretofore.

in such affidavit or affidavits, shall incur and be liable unto the same penalties, as if such affidavit or affidavits had been made and taken in open court: which said several commissions shall be made out by the cursitor of the said county palatine of *Durham*, upon a fiat or warrant from the said chancellor of the said county palatine of *Durham*, for taking affidavits in the said court of chancery; and upon a fiat or warrant from any two of the justices of the pleas, in their session of pleas, in and for the said county palatine of *Durham*, for taking affidavits in the said court of pleas: and the said cursitor shall cause an entry to be made, in a book to be kept for that purpose, of the names of the persons to whom such commissions are from time to time granted, and the respective times when issued; and the following fees shall be paid for each commission, and no more, (to wit) the sum of two shillings for the fiat or warrant; the sum of four shillings for making out the said commission, besides the King's duty, and value of the parchment; and the sum of four shillings for sealing the same: and every commissioner or person so empowered shall take and receive, for the swearing of every affidavit before him in the said court of chancery of *Durham*, the sum or fee of two shillings, and no more; and for the swearing of every affidavit before him in the said court of pleas, in and for the said county palatine of *Durham*, the sum or fee of one shilling, and no more.

II. Provided always, and it is hereby declared, That such officers of the said respective courts of chancery and court of pleas, in the said county palatine of *Durham*, as have heretofore taken or sworn affidavits, shall and may continue so to do, in the same manner as if this act had not been made.

CAP. XXII.

An act for continuing several acts of parliament made for the encouragement of the whale fishery carried on by his Majesty's subjects.

Preamble.

WHEREAS divers acts of parliament have been made for the encouragement of his Majesty's subjects to carry on and improve the whale fishery, which, by the bounties given by the said acts, did, till checked by the late war, greatly increase, and by the continuance thereof, will still further increase, to the great advantage of the trade and navigation of these kingdoms; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the fifth year of the reign of his late majesty King George the Second, intituled, *An act for encouraging the Greenland fishery*, which was to continue in force for nine years from the twenty fifth day of December, one thousand seven hundred and thirty one; and which act, by an act of parliament made in the thirteenth year of his said late Majesty's reign, intituled, *An act for continuing several laws therein mentioned relating to the premiums upon the importation of masts*, yards

Act 5 Geo. II. which was continued by several subsequent acts of

13 Geo. II.

yards, and bowsprits, tar, pitch, and turpentine; to British made sail cloth, and the duties payable on foreign sail cloth; to the Greenland, and to the whale fishery; for granting a further bounty for all ships employed in the whale fishery during the present war; for exempting harpooners and others employed in the Greenland fishery trade, from being impressed; and for giving further time for the payment of duties omitted to be paid for the indentures and contracts of clerks and apprentices; was continued unto the twenty fifth day of December, one thousand seven hundred and fifty, and from thence to the end of the then next session of parliament; and which act, by an act of parliament made in the twenty second year of his²² Geo. II. said late Majesty's reign, intituled, *An act for the further encouragement and enlargement of the whale fishery, and for continuing such laws as are therein mentioned relating thereto; and for the naturalization of such foreign protestants as shall serve, for the time therein mentioned, on board such ships as shall be fitted out for the said fishery*, was further continued unto the twenty fifth day of December, one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament; and which act, by an act of parliament made in the twenty eighth²⁸ Geo. II. year of his said late Majesty's reign, intituled, *An act for continuing, explaining, and amending, the several acts of parliament made for the further encouragement of the whale fishery carried on by his Majesty's subjects, and to authorize the payment of the bounty to Thomas Hood and others, upon three ships fitted out for the said fishery, and lost in the Greenland Seas*, was further continued unto the twenty fifth day of December, one thousand seven hundred and sixty four, and from thence to the end of the then next session of parliament; shall be, and the same is hereby further continued, from the time in the said last-mentioned act limited for the expiration thereof, unto the twenty fifth day of December, one thousand seven hundred and sixty seven, and from thence to the end of the then next session of parliament.

Further continued to 25 Dec. 1767.

II. And be it further enacted by the authority aforesaid, A⁶ Geo. II. That an act made in the sixth year of the reign of his said late Majesty, intituled, *An act for the further encouragement of the whale fishery carried on by his Majesty's subjects*, which was to be in force during the continuance of the act of the fifth year of his said late Majesty's reign, intituled, *An act for encouraging the Greenland fishery*; and which was, by the said act of the thirteenth year of his said late Majesty's reign, continued unto the said twenty fifth day of December, one thousand seven hundred and fifty, and from thence to the end of the then next session of parliament; and which act was, by the said act of the twenty second year of his said Majesty's reign, continued unto the twenty fifth day of December, one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament; and which act was, by the said act of the twenty eighth year of his said late Majesty's reign, further continued unto the twenty fifth day of December, one thousand seven hundred and sixty four, and from thence to the end of the then next session

further continued to 25
Dec. 1767.

session of parliament; shall be, and the same is hereby further continued, from the time in the said last mentioned act limited for the expiration thereof, unto the twenty fifth day of *December*, one thousand seven hundred and sixty seven, and from thence to the end of the then next session of parliament.

Act 22 Geo. II.
which was
continued by
a subsequent
act of 28 Geo.
II.

III. And be it further enacted by the authority aforesaid, That the said act of the twenty second year of his said Majesty's reign, intituled, *An act for the further encouragement and enlargement of the whale fishery, and for continuing such laws as are therein mentioned relating thereto, and for the naturalization of such foreign protestants as shall serve, for the time therein mentioned, on board such ships as shall be fitted out for the said fishery*, which was to be in force from the twenty ninth day of *September*, one thousand seven hundred and forty nine, until the twenty fifth day of *December*, one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament; and which was, by the said act of the twenty eighth year of his said late Majesty's reign, continued unto the twenty fifth day of *December*, one thousand seven hundred and sixty four, and from thence to the end of the then next session of parliament; shall be, and the same is hereby further continued, from the time in the said last mentioned act limited for the expiration thereof, unto the twenty fifth day of *December*, one thousand seven hundred and sixty seven, and from thence to the end of the then next session of parliament.

further continued to 25
Dec. 1767.

C A P. XXIII:

An act for raising a certain sum of money by loans or Exchequer bills; and for applying certain monies remaining in the Exchequer, for the service of the year one thousand seven hundred and sixty four; and for application of certain savings of publick monies and of monies arisen by the sale of military stores; and for further appropriating the supplies granted in this session of parliament; and for relief of persons who have omitted to insert in indentures, or other writings, the full sum agreed to be paid with clerks, apprentices, and other servants.

Most gracious Sovereign,

Preamble.

WE, your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, for raising the residue of the necessary supplies which we have chearfully granted to your Majesty in this session of parliament, have resolved to give and grant unto your Majesty the sums herein after mentioned; and do therefore most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That

Treasury

Treasury impowered to take in loans, or issue Exchequer bills, for any sum not exceeding 800,000*l.* in like manner as is prescribed by the malt act of this session, concerning loans and Exchequer bills, thereby authorized to be taken and made. — Clauses, &c. in the said act relating to loans or Exchequer bills, extended to this act. — Exchequer bills so issued not to be tendered or received in payment of any of the publick taxes, before 6 April 1765; unless the same shall be in course of payment before the said day. — The same to be repaid out of the first supplies which shall be granted in the next session; or out of the sinking fund, if no supplies be granted before 5 July, 1765. — Monies issued for that purpose out of the sinking fund, to be replaced out of the next supplies. — The bank impowered to advance on the credit of the said loan, any sum or sums not exceeding 800,000*l.* the act 5 & 6 W. & M. notwithstanding. — And they are further impowered to issue the sum of 3,497*l.* 9*s.* 9*d.* surplus of the duties upon beer, &c. granted by act 1 Geo. 3. to 5 Jan. 1764; and surplus of 150,000*l.* granted the last session, for paying and cloathing of the militia; remaining in the Exchequer. Also the sum of 102,469*l.* 19*s.* 3*d.* 3*q.* savings of the grant last session, for pay of the *Brasswick* troops, subsidies, and former grants, &c. and 61,088*l.* 4*s.* other savings; and by sale of stores in *Germany* and *Portugal*, to be applied towards the extraordinary expences of the land forces, &c. incurred to 5 Dec. 1763, not provided for. 170,906*l.* 2*s.* 8*d.* savings upon the non-effective accounts of several regiments; to be applied towards the unsatisfied claims in *Germany*, reported to be due. — The monies arising by the malt act, land tax, with the sum of 2,000,000*l.* charged on the *sinking fund*; and the sum of 1,110,000*l.* to be raised by the bank; and also the aforesaid sum of 3,497*l.* 9*s.* 9*d.* surplus remaining in the Exchequer of the duties on beer and ale; and also the savings on 150,000*l.* granted last session for pay and cloathing of the militia; and 800,000*l.* granted by this act; together with the money arising by sale of *French* prizes taken before the war; are appropriated, *viz.* 80,000*l.* for the marriage portion of the princess *Augusta*, 1,430,568*l.* 11*s.* 9*d.* towards naval services in general; 3,000*l.* for building 4 houses for the officers of the hospital at *Plymouth*. 10,000*l.* upon account, to the commissioners of *Greenwich* hospital, for out-pensioners. 650,000*l.* towards paying off the debt of the navy. 1,831*l.* 17*s.* 6*d.* for paying a bounty for the year 1764, to the oldest chaplains of the navy, who have served 4 years on board in the late war, and have not preferment of 50*l.* *per ann.* value, *viz.* to 15 such 2*s.* 6*d.* *per diem*, and to 15 others 2*s.* *per diem*. 173,080*l.* 8*s.* 6*d.* charge of the office of ordnance for land service. 52,359*l.* 8*s.* 2*d.* charge of the office of ordnance for land service not provided for in 1763. 2,610,745*l.* 10*s.* 7*d.* 3*q.* for pay, &c. of the land forces in general; whereof 617,704*l.* 17*s.* 10*d.* 3*q.* charge of 17,532 effective men, including invalids, for guards and garrisons, &c. 372,774*l.* 6*s.* 4*d.* 3*q.* for the forces and garrisons in the plantations, and in *Minorca* and *Gibraltar*; and for provisions for them; 11,322*l.* 7*s.* 3*d.* for pay of the general and general staff officers. 80,000*l.* on account, for pay and cloathing of the militia; 30,188*l.* 18*s.* to the reduced officers of the land forces and marines, for the year 1764; 215,455*l.* 23*s.* to the reduced officers of the land forces disbanded in 1763, and such as are to be reduced for the year 1764. 2,605*l.* 15*s.* to the officers and private gentlemen of the two troops of horse guards, and regiment of horse reduced, and superannuated gentlemen of the four troops of horse guards; 1,666*l.* for pensions to officers widows. 103,794*l.* 2*s.* for out-pensioners of *Chelsea* hospital; 18,331*l.* 17*s.* 11*d.* deficiency in the grant of the last year for out-pensioners of the said hospital in 1763; 43,901*l.* 38*d.* 3*q.* subsidy to the duke of *Brunswick*, pursuant to treaty; 50,000*l.* on account, to the landgrave of *Hesse Cassel*, pursuant to treaty; 823,876*l.* 12*s.* 2*d.* 3*q.* extraordinary expences of land forces, &c. incurred in 1763, not provided for; 329,093*l.* 17*s.* 4*d.* upon account, towards satisfying the claims in *Germany*, reported to be due. 2,800,000*l.* for paying off Exchequer bills made out by virtue of an act of the last session; 5,703*l.* 14*s.* 11*d.* for supporting the civil establishment in *Nova Scotia*; 4,031*l.* 8*s.* 8*d.* for charges of the civil establishment in *Georgia*; 5,700*l.* for charges of

of the civil establishment in *East Florida*; 5,700*l.* for charges of the civil establishment in *West Florida*; 1,818*l.* for charges of the general surveys in *North America*; 20,000*l.* for supporting the forts and settlements on the coast of *Africa*; 38,347*l.* 10*s.* to the foundling hospital, to be issued without fee; 7,150*l.* to make good to his Majesty the like sum issued by him, pursuant to the address of the commons; 10,000*l.* to enable the commissioners for paving, &c. the streets of *Westminster*, to perform the trusts reposed in them; whereof 5,000*l.* to be paid by 5 *April* 1764; and 5,000*l.* by 5 *April* 1765; 2,000*l.* to the trustees of the *British Museum*; 2,500*l.* to *J. Blake* esquire, for carrying on his fish scheme; 54*s.* 1*s.* compensations for lands purchased, &c. under act 2 *Geo.* 1. for erecting forts on the sea coasts; 103*l.* 13*s.* 9*d.* 1*q.* for interest of principal money for lands purchased under the recited act of 2 *Geo.* 1. 7,000 to *Samuel Touchet* merchant, expences incurred in fitting out vessels in the expedition against *Senegal*, &c. 69,671*l.* 1*s.* 2*d.* to replace to the sinking fund the like sum issued thereout, for the half year's payment due 29 *Sept.* 1763. on the annuities granted on the navy and victualling bills; 41,223*l.* 1*s.* 6*d.* to make good the deficiency on 5 *July*, 1763. of the duties on offices and pensions, and upon houses and lights; 36,699*l.* 1*s.* 4*d.* 2*q.* to make good the deficiency on 10 *Oct.* 1763. of the additional duties upon wines imported, and duties upon cyder and perry; 129,489*l.* 0*s.* 3*d.* to make good the deficiencies of the grants for the year 1763. — These aids to be applied to no other uses. — Rules to be observed in the application of the half-pay. — Clause in the act of 3 *Geo.* 3. — Application of the savings of the several sums of 33,351*l.* 17*s.* 6*d.* and 88,704*l.* 3*s.* 4*d.* granted the last session towards half-pay. — Clause for relief of persons who have omitted to insert in indentures, or other writings, the full sum agreed to be paid with clerks, apprentices, or servants. The duties to be paid by 29 *Sept.* 1764.

C A P. XXIV.

An act for preventing frauds and abuses in relation to the sending and receiving of letters and packets free from the duty of postage.

Preamble.

WHEREAS, under colour of the privilege of sending and receiving post letters by members of parliament, free from the duty of postage, many great and notorious frauds have been and still are frequently practised, as well in derogation of the honour of parliament, as to the detriment of the publick revenue; divers persons having presumed to counterfeit the hand, and otherwise fraudulently to make use of the names, of members of parliament, upon letters and packets to be sent by the post, in order to avoid the payment of the duty of postage: and whereas the allowance of sending and receiving letters and packets free from the duty of postage, heretofore granted to, or customarily exercised by, certain persons not being members of parliament, in respect of their offices, has not been sufficiently confined to such letters and packets only as relate to the business of their respective offices, and may therefore, if continued without further restrictions and limitations, be liable to great abuse: in order, therefore, to put the more effectual stop to these and the like frauds and abuses, and at the same time to ascertain, for the better guidance and direction of his Majesty's post master general, and the officers to be employed under him, in the performance of their duty, by what persons only, and under what regulations or restrictions, the privilege or allowance of sending and receiving letters and packets free from the duty of postage shall thenceforth be enjoyed and exercised

exercised, may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of May, one thousand seven hundred and sixty four, so long as the revenue arising in the general letter office or post office, or office of post master general, shall continue to be carried to, and made part of the aggregate fund, no letters or packets sent by the post, to or from any place whatsoever, shall be exempted from paying the duty of postage, according to the rates established by the several acts of parliament now in force; other than and except such letters and packets as are herein after excepted, and in such manner, and under such restrictions, as are herein after declared and enacted concerning the same; that is to say, Except all such letters and packets as shall be sent from or to the King's most excellent majesty; all letters and packets, not exceeding the weight of two ounces, sent from and to any places (within the kingdoms of *Great Britain or Ireland*) during the sitting of any session of parliament, or within forty days before or forty days after any summons or prorogation of the same, which shall be signed, on the outside thereof, by any member of either of the two houses of parliament of *Great Britain*, and whereof the whole superscription shall be of the hand writing of such member, or which shall be directed to any member of either house of the parliament of *Great Britain*, at any of the places of his usual residence, or at the place where he shall actually be at the time of the delivery thereof, or at the house of parliament, or the lobby of the house of parliament of which he is a member; all letters and packets, not exceeding the weight of two ounces, sent from and to any places within the kingdom of *Ireland*, during the sitting of any session of parliament of *Ireland*, or within forty days before or forty days after any summons or prorogation thereof, which shall be signed, on the outside thereof, by any member of either of the two houses of the parliament of *Ireland*, and whereof the whole superscription shall be of the hand writing of such member, or which being sent, during such time as aforesaid, from any part of *Great Britain or Ireland* to any part of *Ireland*, shall be directed to any member of either house of the parliament of *Ireland*, at any of the places of his usual residence, or at the place where he shall actually be at the time of the delivery thereof, or at the house of parliament, or the lobby of the house of parliament of which he is a member; all letters and packets directed to the lord high treasurer, or commissioners of the treasury, or the secretaries to the treasury; to the lord high admiral, or commissioners of the admiralty, or the secretaries of the admiralty; to his Majesty's principal secretaries of state, or their under secretaries; to the commissioners for trade and plantations, or their secretary; to his Majesty's secretary at war, or the deputy secretary at war; or to his Majesty's lieutenant general, or other chief governor or governors of the lord high

treasurer, or commissioners, and secretaries to the treasury; lord high admiral, commissioners and secretaries to the admiralty; principal secretaries of state, and their undersecretaries; commissioners for trade and plantations, or their secretary; secretary at war, or his deputy; lieutenant general, or other chief governor or governors of Ireland; or their chief secretary, or secretary for the provinces of Ulster and

of *Ireland*, and his or their chief secretary, his or their secretary for the provinces of *Ulster* and *Munster* in that kingdom, his or their secretary residing always in *Great Britain*, the under secretary and first clerk in the office in *Ireland* of the said chief secretary, the first clerk in the office in *Ireland* of the said secretary for the provinces of *Ulster* and *Munster*; or to his Majesty's postmaster general, or to the deputy of the postmaster general, for that part of *Great Britain* called *Scotland*, for the kingdom of *Ireland*, or for his Majesty's dominions in *America* respectively; or to the secretary of such postmaster general, or deputy of the postmaster general, or to the farmer of the bye and cross road letters, or to any of the surveyors of the post office, all for the time being; and all letters and packets sent from any of the said officers for the time being, which shall be signed, on the outside thereof, by such officer, and whereof the whole superscription shall likewise be of the hand writing of such officer; and also except all letters and packets sent from the treasury, the admiralty office, the office of his Majesty's principal secretaries of state, the plantation office, the war office, or from the general post office at *London*, or from any of the chief offices at *Edinburgh*, at *Dublin*, or in *America*, and which shall appear, by an indorsement made thereupon by some person properly authorized as herein after mentioned to make the same, to be upon his Majesty's service, and shall be sealed with the seal of the office, or with the seal of the principal officer in the office or department from which they are sent.

Munster; their secretary residing in *Great Britain*; the under secretary, and first clerk, in the office in *Ireland* of the chief secretary, and the first clerk in the office of the secretary for *Ulster* and *Munster*, the postmaster general, or deputy for *Scotland*, *Ireland*, and *America*; the secretary, or deputy of the postmaster general; farmer of the bye and cross road letters; surveyors of the post office; and letters and packets sent from any of the said offices, signed by them on the outside, and the whole superscription of their writing: and letters and packets from the treasury, admiralty office, office of the secretaries of state, plantation office, war office, general post office at *London*, chief offices at *Edinburgh*, *Dublin*, and *America*, indorsed for the King's service, and sealed with the seal of office, or of the principal officer in the department.

Commissioners of the treasury, and admiralty, the secretaries of state, commissioners for trade and plantations, secretary at war, postmaster general, and his deputies, empowered to authorize certain persons in their respective offices, of whom lists to be transmitted to the general

II. And, for more effectually preventing all such frauds and abuses as might otherwise be practised under colour of the allowance hereby granted and continued, of sending letters and packets from the several offices and officers herein before mentioned free from the duty of postage; be it further enacted by the authority aforesaid, That it shall and may be lawful for the lord high treasurer, or commissioners of the treasury, the lord high admiral, or commissioners of the admiralty, his Majesty's principal secretaries of state, the commissioners for trade and plantations, his Majesty's secretary at war, his Majesty's postmaster general, and the deputies of the postmaster general herein before mentioned, all for the time being, to authorize and direct certain persons in each of their offices or departments respectively, a list of whose names shall be from time to time transmitted, by the principal officer or officers authorizing the same, to the general post office in *London*, to make and subscribe an indorsement upon each letter or packet which shall concern the publick

publick business of their respective offices, signifying that such letter or packet is upon his Majesty's service, and to seal the same with the seal of such office or officer respectively; all which persons are hereby strictly forbid so to indorse and seal any letter or packet whatsoever, unless such only concerning which they shall receive the special direction of their superior officer, or which they shall themselves know to concern the business of their respective offices; and if any person employed in any of the said offices, shall knowingly make and subscribe such indorsement, or procure the same to be made upon any letter or packet which does not really concern the business of the office in respect of which he is authorized to make the same, he shall, for the first offence, forfeit and pay the sum of five pounds, to be recovered and applied in such manner as, by the act of the ninth year of the reign of Queen Anne for establishing a general post office, is directed, with respect to the penalties inflicted by the said act; and, for the second offence, shall be dismissed from his office.

recovered and applied as by act 9 Annæ is directed, and for the second offence, the offender to be dismissed

post office, London, to indorse the letters and packets upon the King's service, and seal the same with the seal of office, &c. None to be so indorsed and sealed, but by direction of their superior officer, or which concerns the business of the office, on forfeiture of 5 l. for the first offence, to be

III. Provided always, That the number of persons so to be appointed, in each of the offices above mentioned, to make and subscribe such indorsement as aforesaid, shall not exceed two in any one office or department, except only in the admiralty office and the war office; and that the number so to be appointed in the admiralty office shall not exceed eight in time of peace, or twelve in time of war; and that the number so to be appointed in the war office shall not exceed six in time of peace, or ten in time of war.

Persons appointed to make such indorsements, not to exceed 2 in any office, admiralty and war offices excepted; and in the admiralty not to exceed

IV. Provided also, and be it further enacted by the authority aforesaid, That in case any person intitled to send letters or packets free of the duty of postage, being, by bodily infirmity, disabled from writing the whole superscription of such letters or packets, shall chuse to authorize and appoint some one person, on his behalf, and in his stead, to sign his name upon, and write the superscription of, such letters and packets, and shall cause notice thereof in writing, under his hand and seal, to be transmitted to his Majesty's postmaster general, all letters and packets, so signed and superscribed by the person so authorized and appointed, shall be allowed to pass free of the duty of postage, and shall in all respects, be proceeded with, as if the whole superscription had been of the hand writing of the person by whom such authority was given as aforesaid.

Where any privileged person, disabled from writing the whole superscription, shall authorize some person to sign his name upon, and write the superscription, and give notice thereof under his hand and seal to the post-

master general, letters and packets so signed and superscribed, shall go free.

V. Provided always, and it is hereby further enacted, That nothing herein contained shall extend to charge with the duty of postage, any printed votes, or proceedings in parliament, or printed news papers, being sent without covers, or in covers open at the sides, which shall be signed, on the outside thereof,

Printed votes and proceedings in parliament, and news papers, sent without covers, or in covers open at

the sides, and signed on the outside by a member, or directed to a member, according to notice given by him to the postmaster general, or his deputy at Edinburgh or Dublin, are to go free.

by the hand of any member of parliament, in such manner as hath been heretofore practised, or which shall be directed to any member of parliament, at any place whereof he shall have given notice in writing to the postmaster general, or to his deputy at *Edinburgh* or *Dublin* respectively, but that all such votes, proceedings, and news papers, so sent and signed or directed as aforesaid, shall be received free of the duty of postage; any thing in this or any former act to the contrary notwithstanding.

Clerks in the offices of the secretaries of state and post office, being duly licensed, may continue to frank the votes, and proceedings in parliament, and news papers, as heretofore; sending the same without covers, or in covers open at the sides.

VI. And forasmuch as it hath been usual for the clerks in the offices of his Majesty's principal secretaries of state, and also for certain officers in the office of his Majesty's postmaster general, to frank printed votes, and proceedings in parliament, and printed news papers, to be sent by the post; be it therefore enacted by the authority aforesaid, That it shall and may be lawful for such clerks and officers as aforesaid, being thereunto licensed by his Majesty's principal secretaries of state, or his Majesty's postmaster general respectively, to continue to frank such printed votes, and proceedings in parliament, and printed news papers, in such manner as they have heretofore been accustomed to frank the same; provided that such printed votes, proceedings, and news papers, shall be sent without covers, or in covers open at the sides.

Postmaster general, and officers under him, may search any packet sent without a cover, or in a cover open at the sides; and if they shall find any other paper or thing inclosed therein, or there shall be any writing, other than the superscription ad with the

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for his Majesty's postmaster general, or any of the officers employed under him, to examine and search any packet sent without a cover, or in a cover open at the sides, in order to discover whether any other paper or thing whatsoever be inclosed or concealed in or with such printed paper, as is hereby permitted to be sent free of postage without a cover, or in a cover open at the sides; and in case any such other paper or thing whatsoever shall be found to be inclosed or concealed in or with such printed paper as aforesaid, or in case there shall be any writing, other than the superscription upon such printed paper, or upon the cover thereof, the whole of such packet shall be charged with the duty of postage, according to the rates established by the several acts of parliament now in force for that purpose.

upon the printed paper, or cover, the whole of such packet is to be charged postage.

If any person shall, after 1 June, 1764, counterfeit the writing of any person in the superscription of any letter or packet, to avoid the postage, he shall be adjudged guilty of felony, and be transported for 7 years.

VIII. And be it further enacted by the authority aforesaid, That if any person shall, after the first day of *June*, one thousand seven hundred and sixty four, counterfeit the hand writing of any person whatsoever, in the superscription of any letter or packet to be sent by the post, in order to avoid the payment of the duty of postage, every person, so offending, shall be deemed guilty of felony, and shall be transported for seven years.

to avoid the postage, he shall be adjudged guilty of felony, and be transported for 7 years.

CAP. XXV.

An act for establishing an agreement with the governor and company of the bank of England, for raising certain sums of money towards the supply for the service of the year one thousand seven hundred and sixty four; and for more effectually preventing the forging powers to transfer such stock, or receive such dividends or annuities as are therein mentioned, and the fraudulent personating the owners thereof.

WHEREAS by an act of parliament made in the seventh year of the reign of her late majesty, Queen Anne, intituled, *An act for enlarging the capital stock of the bank of England, and for raising a further supply to her Majesty for the service of the year one thousand seven hundred and nine; it was declared and enacted, That the governor and company of the bank of England, and their successors for ever, should continue and be one body corporate and politic, and should for ever have, receive, and enjoy, the entire yearly fund of one hundred thousand pounds therein mentioned, out of certain rates and duties of excise therein described, and such abilities, capacities, powers, authorities, franchises, exemptions, privileges, profits, and advantages, as are therein expressed, subject nevertheless to a power and condition of redemption in that act contained in that behalf; and it was thereby provided and enacted, That at any time, upon twelve months notice, after the first day of August which should be in the year of our Lord one thousand seven hundred and thirty two, and not before; and upon repayment by parliament to the said governor and company of the bank of England, or their successors, of the several sums amounting to one million six hundred thousand pounds therein mentioned, without any deduction, discount, or abatement whatsoever, to be made out of the said sum of one million six hundred thousand pounds, or any part thereof, and upon payment to the said governor and company, and their successors, of all arrears of the said one hundred thousand pounds per annum, and all the principal and interest money which should be owing unto them upon all such tallies, Exchequer orders, or parliamentary funds, which the said governor and company, or their successors, should have remaining in their hands, or be intitled to, at the time of such notice to be given as aforesaid (such funds for redemption whereof other provision was made in the same act, only excepted) then, and in such case, and not till then, the said yearly fund of one hundred thousand pounds should cease and determine, as by the said act (relation being thereunto had) may more plainly appear: and whereas by an act of parliament made in the twelfth year of her said late Majesty's reign, (intituled, *An act to raise twelve hundred thousand pounds for public uses, by circulating a further sum in Exchequer bills; and for enabling her Majesty to raise five hundred thousand pounds on the revenues appointed for uses of her civil government, to be applied for or towards payment of such debts, and arrears owing to**

Preamble, re-
citing clauses
in act 7 Anne,
11 Anne,

to her servants, tradesmen, and others, as are therein mentioned) the before recited proviso or condition, for determining the said yearly fund of one hundred thousand pounds, upon twelve months notice after the said first day of August, one thousand seven hundred and thirty two, upon such payments as aforesaid, was thereby repealed and made void; and it was thereby provided and enacted, That at any time, upon twelve months notice, after the first day of August, which should be in the year of our Lord one thousand seven hundred and forty two, and not before, and upon repayment by parliament to the said governor and company of the bank of England, or their successors, of the said sum of sixteen hundred thousand pounds, without any deduction, discount, or abatement whatsoever, and upon payment to the said governor and company, and their successors, of all arrears of the said one hundred thousand pounds per annum, and all the principal and interest money, which should be owing to them upon all such tallies, Exchequer orders, or parliamentary funds, which the said governor and company, or their successors, should have remaining in their hands, or be intitled to, at the time of such notice to be given as aforesaid (such funds for redemption whereof other provision is made in the said former acts, or any of them, or in the said recited act, always excepted) then, and in such case, and not till then, the said yearly fund of one hundred thousand pounds should cease and determine: and it is also further provided and enacted, That from and after such redemption of the said one hundred thousand pounds per annum, and from and after redemption should be made by parliament of the annuity of one hundred and six thousand five hundred and one pounds, thirteen shillings, and five pence, by the said recited act, of the seventh year of her said late Majesty's reign, settled and payable to the said governor and company, in the manner therein mentioned, and from and after redemption should likewise be made of the fund established by the said recited act, in relation to the Exchequer bills therein mentioned, then, and not till then, the said corporation of the governor and company of the bank of England should cease and determine; but till then the said governor and company should continue a corporation, and should have and enjoy all the powers and privileges they were intitled to, as by the same act (relation being thereunto had) may more fully appear: and whereas by an act of parliament made in the fifteenth year of the reign of his late majesty King George the Second (intituled, An act for establishing an agreement with the governor and company of the bank of England, for advancing the sum of one million six hundred thousand pounds, towards the supply for the service of the year one thousand seven hundred and forty two) the said governor and company, and their successors, were directed to advance and pay into the receipt of his Majesty's Exchequer, for his Majesty's use, the full sum of one million six hundred thousand pounds, on or before such time, and in such manner, and under such conditions, as in the said act are mentioned; and it was thereby declared and enacted, That the several and respective provisos, contained in the said acts of the seventh and twelfth years of the reign of her late majesty Queen Anne, and each of them, and all other provisos contained in any other act or acts of parliament for deter-

determining the said fund of one hundred thousand pounds per annum, and the said corporation of the governor and company of the bank of England, upon the respective notices and payments in the same respective acts mentioned, should be, and were thereby repealed and made void; and that the said governor and company of the bank of England, so enlarged as aforesaid, and their successors for ever, should remain, continue, and be, one body corporate and politic; by the name aforesaid, and should for ever have, receive, and enjoy, the said entire yearly fund of one hundred thousand pounds, out of the said rates and duties of excise, together with a perpetual succession; and privilege of exclusive banking, as therein after was mentioned, and all other abilities, capacities, powers, authorities, franchises, exemptions, privileges, profits, and advantages whatsoever, whereunto the governor and company of the bank of England, before the making of the said act, were intitled by the said acts of the seventh and twelfth years of the reign of her said late majesty Queen Anne, or either of them, or by any other act or acts of parliament, grants or charters whatsoever, then in force; all which were by the said act ratified and confirmed to the said governor and company, and their successors, freed and discharged of and from the said provisos and conditions of redemption thereby repealed, or intended to be repealed, as aforesaid, and all other provisos, powers, acts, matters; and things whatsoever, theretofore had, made, done; or committed, for redeeming, determining, or making void, the said corporation, or yearly fund of one hundred thousand pounds, and the said privilege of exclusive banking, and all other their abilities, capacities, powers, authorities, franchises, exemptions, privileges, profits, and advantages, or any of them; subject nevertheless to such restrictions, rules, and directions, and also to such other agreements, matters, and things, as in the said acts and charters, or any of them then in force, were contained or prescribed, and also subject to the power and condition of redemption thereafter in the said act contained in that behalf; and it was thereby also provided and enacted, That at any time, upon twelve months notice, after the first day of August, which should be in the year of our Lord one thousand seven hundred and sixty four, and not before, and upon the re-payment by parliament to the said governor and company of the bank of England, or their successors, as well of the said sum of one million six hundred thousand pounds formerly advanced; as of the sum of one million six hundred thousand pounds before mentioned then to be advanced, amounting, in the whole, to the sum of three millions two hundred thousand pounds, without any deduction, discount, or abatement whatsoever, to be made out of the said sum of three millions two hundred thousand pounds, or any part thereof, and upon payment to the said governor and company, and their successors, of all the arrears of the said one hundred thousand pounds per annum, and all the principal and interest money which should be owing unto them upon all such tallies, Exchequer orders, Exchequer bills, or parliamentary funds, which the said governor and company, or their successors, should have remaining in their hands, or be intitled to, at the time of such notice to be given as aforesaid (such funds for redemption whereof other provision was made in and by the acts of parliament therein mentioned, always

always and only excepted) then, and in such case, and not till then, the said yearly fund of one hundred thousand pounds should cease and determine: and whereas the said governor and company of the bank of England are willing and contented to advance, towards the supply granted to your Majesty for the service of the year one thousand seven hundred and sixty four, the sum of one million, on Exchequer bills bearing interest at the rate of three pounds per centum per annum, the said interest to be paid quarterly, and the said Exchequer bills to be charged upon, and repaid out of, the first aids or supplies which shall be granted by parliament for the service of the year one thousand seven hundred and sixty six, and in case sufficient aids or supplies shall not be granted for that purpose before the fifth day of April, one thousand seven hundred and sixty six, the same to be charged upon, and repaid out of, the sinking fund; and also to pay into his Majesty's Exchequer, towards the said supply, the sum of one hundred and ten thousand pounds, without any repayment of the principal, or allowance of interest for the same, provided that the privilege of exclusive banking, and all other the abilities, capacities, powers, authorities, franchises, exemptions, privileges, profits, and advantages, in this or any former act contained, be granted and confirmed to the said governor and company, in such manner as is herein after mentioned: now we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, being desirous to raise, with as much ease and advantage as possible to your subjects, the necessary supplies, and to encourage the said governor and company to advance the said sums of one million, and of one hundred and ten thousand pounds, in the manner herein after appointed, do most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the commissioners of his Majesty's treasury now or for the time being, or any three or more of them, or the high treasurer for the time being, at any time or times before the fifth day of January, one thousand seven hundred and sixty five, to cause or direct any number of Exchequer bills to be made out for any sum or sums of money not exceeding in the whole the sum of one million, in the same or like manner, form, and order, and according to the same or like rules and directions, as in and by an act of this present session of parliament (intituled, *An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and sixty four*) are enacted and prescribed concerning the Exchequer bills to be made in pursuance of the said act.

Commissioners of the treasury impowered at any time before 5 Jan. 1765, to direct Exchequer bills to be made out for any sum not exceeding 1,000,000 l. in like manner as is prescribed by the malt act of this session, concerning Exchequer bills thereby authorized to be made out. Clauses, &c. in the said act extended to the Exchequer bills to be made in pur-

II. And be it further enacted by the authority aforesaid, That all and every the clauses, provisos, powers, privileges, advantages, penalties, forfeitures, and disabilities, contained in the said last mentioned act, relating to the Exchequer bills authorized to be made by the same act (except such clauses as do charge

charge the same on the taxes granted by the same act, and such clauses as limit or relate to the ascertaining the rate of interest to be paid for the forbearance of money lent on the credit of the said act, and also except as herein after mentioned) shall be applied and extended to the Exchequer bills to be made in pursuance of this act, as fully and effectually, to all intents and purposes, as if the same had been originally authorized by the said last mentioned act, or as if the said several clauses or provisos had been particularly repeated and re-enacted in the body of this act.

III. And be it further enacted by the authority aforesaid, That the said Exchequer bills shall bear an interest after the rate of three pounds *per centum per annum*.

Bills to carry
3 l. per cent.
interest.

IV. Provided always, and be it further enacted by the authority aforesaid, That no Exchequer bill or bills to be made out by virtue of this act, shall, after the same hath or have been issued at the Exchequer, be afterwards, at any time before the fifth day of *April*, one thousand seven hundred and sixty six, received or taken, or pass or be current to any receiver or collector in *Great Britain* of the customs, excise, or any revenue, supply, aid, or tax whatsoever, due or payable to his Majesty, his heirs, or successors, or at the receipt of the Exchequer, from any such receiver or collector, or from any other person or persons, bodies politic or corporate, otherwise, or on any other account, than for the discharge and cancelling of such bills, in case the same shall be in due course or order of payment, before the said fifth day of *April*, one thousand seven hundred and sixty six; nor shall any such receiver or collector exchange, at any time before the said fifth day of *April*, one thousand seven hundred and sixty six, for any money of such revenues, aids, taxes, or supplies, in his hands, any Exchequer bill or bills which shall have been issued as aforesaid by virtue of this act; nor shall any action be maintained against any such receiver or collector, for neglecting or refusing to exchange any such bill or bills for ready money before the said fifth day of *April*, one thousand seven hundred and sixty six; any thing in the said act made in this present session of parliament, intituled, *An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and sixty four*, or this act, contained to the contrary notwithstanding.

Exchequer
bills so issued
not to be ten-
dered or re-
ceived in pay-
ment of any
of the publick
taxes, before
5 April, 1766,

unless the
same be in
course of pay-
ment before
the said day.

V. And be it further enacted by the authority aforesaid, That all such Exchequer bills, together with the interest and charges incident to or attending the same, shall be and are hereby charged and chargeable upon, and shall be repaid or borne by or out of, the first aids or supplies which shall be granted by parliament for the service of the year one thousand seven hundred and sixty six; and in case sufficient aids or supplies for that purpose shall not be granted before the fifth day of *April*, one thousand seven hundred and sixty six, then all the said Exchequer bills, with the interest and charges incident to or attending the same, shall be and are hereby charged and chargeable upon

The said bills
to be repaid
out of the first
supplies which
shall be grant-
ed for the year
1766;

such

or out of the sinking fund, if no supplies be granted before 5 April of that year.

such monies as, at any time or times at or after the said fifth day of April, shall be or remain in the receipt of the Exchequer, of the surplusses, excesses, overplus monies, and other revenues, composing the fund commonly called *The Sinking Fund* (except such monies of the said sinking fund as shall then be appropriated to any particular use or uses by any act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be issued and applied, as soon as the same can be regularly stated and ascertained, for and towards paying off, cancelling, and discharging, such Exchequer bills, interest, and charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose be kept and reserved in the Exchequer, to be payable on demand to the respective proprietors thereof.

Monies issued for that purpose out of the sinking fund, to be replaced by and out of the first supplies after.

VI. Provided always, and be it enacted by the authority aforesaid, That whatever monies shall be so issued out of the said surplusses, excesses, overplus monies, or other revenues composing the sinking fund, shall from time to time be replaced by and out of the first supplies to be then after granted in parliament; any thing herein contained to the contrary notwithstanding.

Bank to exchange for ready money such of the said bills, as shall be tendered them before the said 5 April, with the interest due thereupon;

VII. And it is hereby further enacted by the authority aforesaid, That the said governor and company of the bank of *England*, and their successors, shall and are hereby required to exchange for ready money, from time to time, all such of the said Exchequer bills as shall, at any time or times before the said fifth day of April, one thousand seven hundred and sixty six, be tendered or produced to them, or their cashier or cashiers, for that purpose, by any person or persons; and shall pay or cause to be paid to such person or persons, in ready money, the sum for which every such bill, so tendered or produced, was issued, together with the interest, after the said rate of three pounds *per centum per annum*, which shall be then due thereupon; and shall exchange, in manner as aforesaid, such of the said bills as shall have been, from time to time, paid away or circulated by or on the behalf of the said governor and company, or their successors, and shall before the said fifth day of April, one thousand seven hundred and sixty six, be tendered or produced as aforesaid, as often as such case shall happen; and the said governor and company, or their successors, or their agents or servants, shall not be intitled to or receive any premium, rate, or allowance whatsoever, for or in respect of the exchanging or circulating the said Exchequer bills; any thing herein, or in any other act of parliament to the contrary notwithstanding.

and no allowance is to be made to the bank for the same.

Bank refusing to discharge such bills,

VIII. And be it further enacted by the authority aforesaid, That in case the said governor and company of the bank of *England*, or their successors, or their cashier or cashiers, shall neglect or refuse to exchange any such Exchequer bill or bills for ready money as aforesaid, contrary to the true intent and meaning of this act, upon demand thereof made at their chief office within the city of *London*, for the space of twenty four hours,

hours, then the person or persons demanding the same, or the person or persons for and on whose behalf such demand shall be made, shall and may recover such money to his, her, or their own use, by action of debt or upon the case, bill, suit, or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege, or wager of law, shall be allowed, or any more than one imparlance; in which action, bill, suit, or information, it shall be lawful to declare, that the said governor and company, or their successors, are indebted to the plaintiff or plaintiffs, the money demanded upon the said bill or bills, according to the form of this statute, and have not paid the same, which shall be sufficient; and the plaintiff or plaintiffs in such action, bill, suit, or information, shall recover against the said governor and company, and their successors, not only the money so neglected or refused to be paid, but also damages after the rate of fifteen pounds *per centum per annum*, on such money, together with full costs of suit; and the said governor and company, and their successors, and their said stock and funds, shall be, and are hereby made subject and liable thereunto.

the money may be recovered in any of the courts at Westminster,

with damages, after the rate of 15 l. per cent. and full costs.

IX. And be it further enacted by the authority aforesaid, That the clauses, powers, and provisions, in the said act, made in this present session of parliament, intituled, *An act for continuing and granting to his Majesty certain duties upon malt, man, cyder, and perry, for the service of the year one thousand seven hundred and sixty four*, relating to such person or persons, body or bodies politick or corporate, as should contract by virtue of that act with the high treasurer, or any three or more of the commissioners of the treasury for the time being, for the circulating and exchanging for ready money the Exchequer bills by the said act authorized to be issued (except the clause for altering the rate of interest, and such other parts as are varied by this act) shall extend to and operate with respect to the said governor and company of the bank of *England*, and their successors, in relation to the Exchequer bills to be made out, exchanged, and circulated, by virtue of this act, in as full and ample manner, to all intents and purposes, as if a contract in writing had been made for that purpose in the manner prescribed by the said act, and as if the said clauses, powers, and provisions, were herein specially re-enacted, and applied to the purposes of this act.

Clauses in the malt act of this session relating to the circulating Exchequer bills,

extended to the bills to be issued by virtue of this act.

X. And be it further enacted by the authority aforesaid, That the said governor and company of the bank of *England*, and their successors, shall advance and pay into the receipt of his Majesty's Exchequer, for his Majesty's use, the full sum of one hundred and ten thousand pounds, on or before the twenty third day of *April*, one thousand seven hundred and sixty four; and that the said governor and company of the bank of *England*, or their successors, shall not be intitled to any repayment of the principal, or allowance of any interest for or in respect of all or any part of the said sum of one hundred and ten thousand pounds;

Bank to pay into the Exchequer 110,000 l. by 23 April. 1764

and no repayment to be made of principal;

cipal or interest for the same. Bank making failure, the money may be recovered in any of the courts at Westminster;

with damages after the rate of 12 l. per cent. and full costs.

In consideration of the bank's complying with the premises,

Part of the provision in the recited act of 15 Geo. II. relating to the determining their fund, &c. is repealed; and they are continued a body corporate, &c. with all their former abilities, privileges, and advantages.

pounds; and in case the said governor and company of the bank of *England*, or their successors, shall make failure in the said payment so by this act appointed to be made into his Majesty's Exchequer as aforesaid, the said sum of one hundred and ten thousand pounds, or any part thereof, remaining unpaid, after the said twenty third day of *April* one thousand seven hundred and sixty four, shall and may be recovered to his Majesty's use by action of debt, or upon the case, bill, suit, or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege, or wager of law, shall be allowed, or any more than one imparlance: in which action, bill, suit, or information, it shall be lawful to declare, that the said governor and company, or their successors, are indebted to his Majesty the money of which they shall have made default in payment according to the form of this statute, and have not paid the same, which shall be sufficient; and in or upon such action, bill, suit, or information, there shall be further recovered to his Majesty's use against the said governor and company of the said bank of *England*, or their successors, damages after the rate of twelve pounds *per centum* for the money so unpaid contrary to this act, together with full costs of suit; and the said governor and company and their successors, and their said stock and funds, shall be, and are hereby made subject and liable thereunto.

XI. And for the encouragement of the said governor and company of the bank of *England*, and their successors, to exchange and circulate the said Exchequer bills, in the manner and during the time herein before mentioned, and to pay into the receipt of his Majesty's Exchequer the said sum of one hundred and ten thousand pounds on or before the day above limited; and to the end the said governor and company, and their successors, may have a competent recompence and consideration for so doing; it is hereby declared and enacted by the authority aforesaid, That such part of the said recited provision contained in the said act, made in the fifteenth year of the reign of his late majesty King *George* the Second, as relates to the determining the said fund of one hundred thousand pounds *per annum*, and the said corporation of the governor and company of the bank of *England*, upon the notice and payments therein mentioned, shall be, and is hereby repealed and made void; and that the said governor and company of the bank of *England*, and their successors for ever, shall remain, continue, and be, one body corporate and politick, by the name aforesaid, and shall for ever have, receive, and enjoy, the said intire yearly fund of one hundred thousand pounds out of the said rates and duties of excise, together with a perpetual succession, and privilege of exclusive banking, as herein after is mentioned, and all other abilities, capacities, powers, authorities, franchises, exemptions, privileges, profits, and advantages whatsoever, whereunto the governor and company of the bank of *England* are, or, before the making of this act, were intitled, by the said acts of the seventh and twelfth years of the reign of her said late majesty Queen

Queen *Anne*, and the said act of the fifteenth year of the reign of his late majesty King *George* the Second, or any of them, or by any other act or acts of parliament, grants or charters whatsoever now in force; all which are by this act ratified and confirmed to the said governor and company, and their successors, freed and discharged of and from the said proviso and conditions of redemption hereby repealed or intended to be repealed as aforesaid, and all other provisos, powers, acts, matters, and things whatsoever, heretofore had, made, done, or committed, for redeeming, determining, or making void, the said corporation or yearly fund of one hundred thousand pounds, and the said privilege of exclusive banking, and all other their abilities, capacities, powers, authorities, franchises, exemptions, privileges, profits, and advantages, or any of them; subject nevertheless to such restrictions, rules, and directions, and also to such other agreements, matters, and things, as in the said acts and charters, or any of them now in force, are contained or prescribed, and also subject to the power and condition of redemption hereafter in this act contained in this behalf.

XII. Provided always, and it is hereby further enacted by the authority aforesaid, That at any time, upon twelve months notice after the first day of *August*, which shall be in the year of our Lord one thousand seven hundred and eighty six, and not before, and upon repayment by parliament to the said governor and company of the bank of *England*, or their successors, of the said sum of three millions two hundred thousand pounds advanced by virtue of the said in part recited acts, without any deduction, discount, or abatement whatsoever, to be made out of the said sum of three millions two hundred thousand pounds, or any part thereof; and upon payment to the said governor and company, and their successors, of all the arrears of the said one hundred thousand pounds *per annum*, and all the principal and interest money which shall be owing unto them upon all such tallies, Exchequer orders, Exchequer bills, or parliamentary funds, which the said governor and company, or their successors, shall have remaining in their hands, or be intitled to, at the time of such notice to be given as aforesaid; such funds, for redemption whereof other provision is made in and by one act of parliament made in the eighth year of the reign of his majesty King *George* the First, intituled, *An act to enable the South Sea company to dispose of the effects in their hands by way of lottery, or subscription, or to sell part of their fund or annuity payable at the Exchequer, in order to pay the debts of the said company, and for relief of such who were intended to have the benefit of a late act touching payment of ten per centum therein mentioned*; and in and by one other act of parliament made in the first year of the reign of his late majesty King *George* the Second, intituled, *An act for granting an aid to his Majesty by sale of annuities to the bank of England, at four pounds per centum, redeemable by parliament, and charged upon the duties on coals and culm; and for further applying the produce of the sinking fund; and for enlarging the time for ex-*

Clause of redemption, with respect to monies advanced by the bank on the parliamentary funds, &c. by virtue of the recited acts, &c. on the terms and conditions here mentioned; ed.

Act 3 Geo. I.

1 Geo. II.

2 Geo. II.

changing Nevis and Saint Christophers debentures for annuities at three per centum; and for applying the arrears of his late Majesty's civil list revenues; and by one other act of parliament, made in the second year of the reign of his said late Majesty, intituled, An act for raising the sum of one million two hundred and fifty thousand pounds, by sale of annuities to the bank of England, after the rate of four pounds per centum per annum, redeemable by parliament; and for applying the produce of the sinking fund; and by

Act 19 Geo. II.

one other act of parliament made in the nineteenth year of the reign of his said late Majesty, intituled, An act for establishing an agreement with the governor and company of the bank of England, for cancelling certain Exchequer bills upon the terms therein mentioned, and for obliging them to advance the sum of one million upon the credit of the land tax and malt duties granted to his Majesty for the service of the year one thousand seven hundred and forty six; always and only excepted, then, and in such case, and not till then, the said yearly fund of one hundred thousand pounds shall cease and determine.

Privilege of
exclusive
banking
granted to the
bank by for-
mer acts, con-
firmed to them;

XIII. And, to prevent any doubts that may arise concerning the privilege or power given by former acts of parliament to the said governor and company of exclusive banking, and also in regard to the erecting any other bank or banks by parliament, or restraining other persons from banking during the continuance of the said privilege granted to the governor and company of the bank of England as before recited, it is hereby further enacted and declared by the authority aforesaid, That it is the true intent and meaning of this act, that no other bank shall be erected, established, or allowed by parliament; and that it shall not be lawful for any body politic or corporate whatsoever erected or to be erected, or for any other persons united or to be united in covenants or partnership, exceeding the number of six persons, in that part of Great Britain called England, to borrow, owe, or take up, any sum or sums of money, on their bills or notes payable at demand, or at any less time than six months from the borrowing thereof, during the continuance of such said privilege to the said governor and company, who are hereby declared to be and remain a corporation, with the privilege of exclusive banking as before recited, subject to redemption on the terms and conditions before-mentioned; that is to say, on one year's notice after the first day of August, one thousand seven hundred and eighty six, and repayment of the three millions two hundred thousand pounds, and all arrears of the one hundred thousand pounds *per annum*, and all the principal and interest money that shall be owing them on all such tallies, Exchequer orders, Exchequer bills, or parliamentary funds (such funds as are before mentioned only and always excepted) which the said governor and company, or their successors, shall have remaining in their hands, or be intitled to, at the time of such notice to be given as aforesaid, and not otherwise; any thing in this act, or any former act or acts of parliament, to the contrary in any wise notwithstanding.

subject to the
clause of re-
demption be-
fore mention-
ed.

XIV. And it is hereby also enacted and declared by the authority aforesaid, That any vote or resolution of the house of commons, signified by the speaker of the said house in writing, and delivered at the publick office of the said governor and company, or their successors, shall be deemed and adjudged to be a sufficient notice, within the words or meaning of this act, any thing herein contained to the contrary notwithstanding.

Vote of the house of commons signified by the speaker, deemed sufficient notice.

XV. And whereas it is necessary that provision should be made for more effectually preventing the forging powers to transfer any such stock, or to receive such dividends or annuities, as are herein after mentioned, and the fraudulent personating the owners thereof, be it further enacted by the authority aforesaid, That if any person or persons whatsoever, from and after the first day of May, one thousand seven hundred and sixty four, shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting, any letter of attorney, or other authority or instrument, to transfer, assign, sell, or convey, any share or shares, or any part of any share or shares, of and in any capital stock or stocks of any body or bodies politic or corporate, which now are, or hereafter shall be, established by any act or acts of parliament; or any share or shares, or any part of any share or shares, of and in any annuities in respect whereof the proprietors of such annuities have or shall have transferrable shares in any capital stock or stocks now established, or which shall hereafter be established by any act or acts of parliament, in proportion to their respective annuities; or any share or shares, or any part of any share or shares, of or in any other transferrable annuities which now are, or hereafter shall be, established by any act or acts of parliament; or to receive any such annuity or annuities, or any dividend or dividends attending such shares, or any of them, or any part thereof; or shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting, any the name or names of any the proprietors of any such share or shares in stock, or of any the persons intitled to any such annuity or annuities, dividend or dividends, as aforesaid, in or to any such pretended letter of attorney, instrument, or authority; or shall knowingly and fraudulently demand, or endeavour to have, any such share or shares in stock or annuities, or any part thereof, transferred, assigned, sold, or conveyed, or such annuity or annuities, dividend or dividends, or any part thereof, to be received by virtue of any such counterfeit or forged letter of attorney, authority, or instrument; or shall falsely and deceitfully personate any true and real proprietor of the said shares in stock, annuities, and dividends, or any of them, or any part thereof, and thereby transferring, or endeavouring to transfer, the stock or annuities, or receiving, or endeavouring to receive, the money of such true and lawful proprietor, as if such offender were the true and lawful owner thereof; then, and in every or any such case, all

Penalty of forging power to transfer any stock; or to receive any dividends or annuities thereon; or the fraudulent personating the owners thereof;

and every such person and persons (being thereof lawfully convicted) is felony, without benefit of clergy.

victed in due form of law) shall be adjudged guilty of felony, and shall suffer as in cases of felony, without benefit of clergy.

Publick act.

XVI. And be it further enacted by the authority aforesaid, That this act shall be deemed, adjudged, and taken to be a publick act, and be judicially taken notice of by all judges, justices, or other persons whatsoever, without specially pleading the same.

CAP. XXVI.

An act for granting a bounty upon the importation of hemp, and rough and undressed flax, from his Majesty's colonies in America.

Preamble.

WHEREAS the encouragement of the importation of hemp, and rough and undressed flax, from his Majesty's colonies and plantations in America, will be a means of furnishing this kingdom with sail cloth and cordage (so essentially necessary for the supply of his Majesty's royal navy, as well as for ships employed in the merchants service) at more reasonable rates than at present, and will also tend to make the supply of the said materials cheaper and less precarious, and be a means of employing and enriching his Majesty's subjects within the said colonies and plantations: may it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June, one thousand seven hundred and sixty four, every person or persons who shall, within the time appointed by this act, import or cause to be imported into this kingdom, directly from any of his Majesty's *English* colonies or plantations in America, in any ship or ships that may lawfully trade to his Majesty's plantations, mannered as by law is required, any hemp, water rotted, bright, and clean, or any rough and undressed flax, shall have and enjoy as a reward or premium for such importation, the following sum; that is to say,

Bounty allowed upon the importation of hemp, and rough and undressed flax, from the British American plantations,

viz. 8l. per ton for all imported between 24 June, 1764, and 24 June, 1771;

6l. per ton for all imported between 24 June, 1771, and 24 June, 1778;

and 4l. per ton for all imported between 24 June, 1778, and 24 June, 1785;

For every ton of such hemp, or rough or undressed flax, so imported from the twenty fourth day of June, one thousand seven hundred and sixty four, to the twenty fourth day of June, one thousand seven hundred and seventy one, the sum of eight pounds sterling.

For every ton of such hemp, or rough or undressed flax, so imported from the twenty fourth day of June, one thousand seven hundred and seventy one, to the twenty fourth day of June, one thousand seven hundred and seventy eight, the sum of six pounds sterling.

And for every ton of such hemp, or rough or undressed flax, imported from the twenty fourth day of June, one thousand seven hundred and seventy eight, to the twenty fourth day of June, one thousand seven hundred and eighty five, the sum of four pounds sterling.

To be paid upon demand to the importer of such hemp or flax, by the collector of the port where the same shall be imported, out of the customs: and in case the collector of the port where the same shall be imported, shall not have money sufficient in his hands, he is hereby required to certify the same to the commissioners of the customs, who shall cause the same to be paid by the receiver general of his Majesty's customs; the bounty of the hemp and flax imported into *England*, to be paid by the receiver general of the customs in *England*, and of that imported into *Scotland*, to be paid by the receiver general there.

to be paid by the collector at the port of importation; or upon his want of money, then by the receiver general of the customs.

II. And to the end a particular benefit may accrue hereby to his Majesty's royal navy, and for the better supply of the same with naval stores, be it further enacted, That upon the importation of any such hemp or rough and undressed flax from his Majesty's said colonies and plantations, for which a reward or premium is hereby granted, the pre-emption or refusal of such hemp or flax shall be offered and tendered to the commissioners of his Majesty's navy, upon landing the same; and if within the term of twenty days after such tender the said commissioners shall not contract or bargain for the same, it shall and may be lawful for the importer or importers, owner or owners, of the said hemp or flax, otherwise to dispose of the same for his or their best profit and advantage.

The pre-emption or refusal of such hemp or flax to be tendered to the commissioners of the navy; if they shall not contract for the same within 20 days, importer is at liberty to dispose of it otherwise.

III. And, in order to intitle the importer of such hemp and flax to the premium granted by this act, and to prevent frauds by importing foreign hemp and flax, be it further enacted by the authority aforesaid, That all and every person or persons importing any such hemp or flax into *Great Britain*, shall produce to the chief officer or officers of the customs a certificate or certificates under the hand and seal of the governor, lieutenant governor, collector of his Majesty's customs, and naval officer, or any two of them, residing and being within any of his Majesty's colonies and plantations, that before the departure of such ship or vessel, ships or vessels, the person or persons, merchant, trader, or factor, loading the same, had made oath before them, that the said hemp or flax so shipped on board (expressing in the said certificate, the number, marks, and packages of such hemp and flax) were truly and *bona fide* of the growth and produce of his Majesty's said colonies and plantations; which oath the said governor, lieutenant governor, collector of his Majesty's customs, and naval officer, or any two of them are hereby authorized to administer; as likewise upon oath to be made in any port of *Great Britain*, by the master or masters of such ship or vessel, ships or vessels, importing such hemp and flax, that the same were truly laden on board such ship or vessel, ships or vessels, within some of his Majesty's colonies or plantations in *America*, and that he or they know or believe that the said hemp and flax were the produce of the said colonies or plantations.

Certificate to be produced at the port of importation of such hemp or flax being the growth and produce of the British colonies, &c.

Oaths to be administered upon that occasion.

IV. And, that the officers of the customs may be the better able to discover any frauds intended for receiving the aforesaid premium, be it further enacted by the authority aforesaid, That

Officers of the
customs to
examine whe-
ther such
hemp and flax
is good and
merchantable.

it shall and may be lawful for the said officers, and they are hereby required before they make out any such certificate, to examine the said hemp and flax, by opening each package, and shifting the same, in such manner as to see the whole contents, or by such other means as they shall think proper, to find out and discover whether the said hemp is water rotted, bright, and clean, and the said flax is good and merchantable, and free from any false mixture.

In case of
doubt about
the quality of
such as shall be
imported into
London,
Commissioners
of the customs
may call in
two skilful
persons, who
shall give their
opinion upon
oath; and upon like
doubts in the
out ports,
samples to be
sent up to
London,
or Edinburgh,
to be inspected

V. Provided always, That in case any doubt or dispute shall arise between the surveyors or officers of the customs, and the owners or importers of such hemp or flax as is imported into the port of *London*, as to the quality of the same, it shall and may be lawful for the commissioners of his Majesty's customs to call two or more merchants, manufacturers, or others well skilled in the commodity, who shall declare upon oath, if required, their opinion, as to the quality of the same, and according to the best of their judgment determine whether the said hemp or flax is intitled to the premium hereby granted, or not: and if any doubt or dispute shall arise as to the quality of any hemp or flax imported into any of the out ports in *England*, samples thereof shall be taken, and sent up to the commissioners of the customs in *London*; and into the out ports in *Scotland*, to the commissioners of the customs at *Edinburgh*; in such manner as the respective commissioners shall direct, in order to be inspected and adjudged there as before mentioned.

Officers to take
no fee for do-
ing their duty,

on penalty of
being incapaci-
tated, and
forfeiting 100*l*.

VI. And be it further enacted by the authority aforesaid, That no fee, gratuity, or reward, shall be demanded, taken, or received, by any officer of his Majesty's customs, for examining, viewing, or delivering such hemp or flax, with respect to the premium or reward allowed by this act; or for the signing any of the certificates in order to the receiving such premium or reward, or for paying the same; and any such officer demanding or taking such fee or reward, shall, for such offence, forfeit his office, and such officer shall also be incapable of serving his Majesty, his heirs and successors, and shall forfeit the sum of one hundred pounds.

Premium al-
lowed on the
importation, to
be repaid on
the exporta-
tion thereof;

VII. And be it further enacted by the authority aforesaid, That if any such hemp or flax of the growth of the *British* colonies or plantations in *America*, shall, after the twenty fourth day of *June*, one thousand seven hundred and sixty four, be exported from *Great Britain*; that then, and in every such case, the person or persons so exporting the same shall, before the entry thereof, pay unto the collector of the customs at the port where the same shall be exported, or to the chief officer of the customs there, the full sum which is by this act allowed as a premium on all such hemp or flax as he intends to export, over and above any duty the same is now by law subject to pay at exportation by any act.

VIII. Provided always, That the said collector or chief officer

cer of the customs, upon receiving of such premium from the exporter of such hemp or flax as aforesaid, charge himself with the money so received, or with the said premium; and the commissioners of his Majesty's customs are to take particular care that the same be duly brought to the account of his Majesty, by such collector or chief officer as aforesaid.

IX. And be it further enacted by the authority aforesaid, That if any person or persons, their agents, or assigns, shall be found fraudulently to export such hemp or flax without paying such premium to the collector or chief officer of the customs in manner aforesaid, such person or persons shall forfeit and lose all such hemp and flax, and double the value thereof; one moiety whereof shall be to the use of his Majesty, his heirs and successors, and the other moiety to the informer or prosecutor; to be prosecuted in any of his Majesty's courts of record at *Westminster*, or in the court of Exchequer in *Scotland* respectively, wherein no essoin, protection, or wager of law, or more than one imparlance shall be allowed.

X. Provided always, That if any doubt or dispute shall arise, whether any of the hemp or flax, or any part thereof so to be exported, are of the growth, product, or manufacture, of his Majesty's plantations in *America*, or of foreign growth, product, or manufacture, the *Onus probandi* shall lie on the owner or claimer thereof, and not on the informer or prosecutor; any law, custom, or usage, to the contrary notwithstanding.

XI. And be it further enacted by the authority aforesaid, That if the master or owner of any ship or vessel shall clandestinely import, or receive in such ship or vessel to be imported, into *Great Britain*, any hemp or flax, knowing the same to be foreign hemp or flax, and shall demand or receive for any such foreign hemp or flax the reward or premium hereby granted, such master or owner shall forfeit the sum of one hundred pounds, to be sued for and recovered in manner as aforesaid; and the ship or vessel in which such foreign hemp or flax shall be so fraudulently imported, with all her guns, tackle, apparel, and furniture, shall be forfeited to the King's majesty, his heirs and successors.

XII. And be it further enacted by the authority aforesaid, That the several directions and provisions in this act shall commence and take effect from and after the twenty fourth day of *June*, one thousand seven hundred and sixty four, and shall continue and be in force, from the said twenty fourth day of *June*, for the term of twenty one years, and no longer.

and officer to make himself debtor for the same, and the commissioners to see the same brought to account.

Such hemp and flax as shall be fraudulently exported without paying the premium, is forfeited, with double value,

In case of doubt with respect to the place of growth of any hemp or flax to be exported, proof to lie on the owner. Master receiving foreign hemp or flax on board, and demanding, &c. the premium, forfeits 100l. and the vessel.

Commencement and continuance of this act.

CAP. XXVII.

An act for granting, for a limited time, a liberty to carry rice from his Majesty's provinces of South Carolina and Georgia, directly to any part of America to the southward of the said provinces, subject to the like duty as is now paid on the exportation of rice from the said colonies, to places in Europe situate to the southward of Cape Finisterre.

Preamble, relating clauses in act 3 & 4 Anne,

32 Car. II.

35 Car. II.

3 Geo. II.

3 Geo. II.

WHEREAS by an act made in the third and fourth years of the reign of her late majesty Queen Anne, intituled, An act for granting to her Majesty a further subsidy on wines and merchandizes imported, all rice of the growth or production of the English plantations in America, Asia, or Africa, is obliged to be imported into England, Wales, or Berwick upon Tweed, or to some other of the said plantations, under such securities and penalties as other enumerated goods or commodities of the growth, production, or manufacture, of the said plantations, are subject to, by an act made in the twelfth year of the reign of the late King Charles the Second, intituled, An act for encouraging and encreasing of shipping and navigation, or by another act made in the five and twentieth year of the reign of the said late King, intituled, An act for the encouragement of the Greenland and Eastland trades, and for the better securing the plantation trade: and whereas an act was made in the third year of the reign of his late majesty King George the Second, intituled, An act for granting liberty to carry rice from his Majesty's province of Carolina in America, directly to any part of Europe southward of Cape Finisterre: and whereas by an act made in the eighth year of the reign of his said Majesty the liberty granted by the said act of the third year of his said Majesty was extended to his Majesty's province of Georgia in America: and whereas very great advantages have arisen from the powers given by the said acts; and there is great reason to apprehend, that not only the produce of rice in those parts, but that also the exportation thereof would be greatly increased, for the mutual benefit of this kingdom and the said provinces, if, notwithstanding the laws relating to navigation and trade to and from the plantations, liberty or licence was granted for ships built in Great Britain, or in any of his Majesty's colonies in America, to load rice in either of the said provinces, and to carry the same directly to any part of America, to the southward of the said provinces of Carolina or Georgia, without bringing the same first to Great Britain, as the laws now require; whereby the same will arrive at such places, in a seasonable condition, for the consumption thereof: for this end, and for providing proper securities for your Majesty's duties, and for preventing any prejudice or damage to this nation which might happen thereby, from any unlawful commerce between the plantations and any other foreign countries, as to any other enumerated commodities, or otherwise, may it therefore please your most excellent Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual

spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said act, passed in the third and fourth years of the reign of her said late Majesty, so far as the same extends to the making of rice, of the growth and produce of his Majesty's plantations in *America*, an enumerated commodity, shall be, and is hereby ratified and confirmed, as to all persons, ships, vessels, or places, in all respects whatsoever; except as to such of the said rice, as, by the said acts of the third and eighth years of his said Majesty King *George* the Second, and by this act, are and shall be permitted or allowed to be exported from his Majesty's provinces of *South Carolina* and *Georgia* in *America*, by such persons, and in such ships and vessels, and to such foreign countries and places, and under such entries, securities, restrictions, regulations, limitations, penalties, and forfeitures, as are herein after particularly described, appointed, limited, and enacted for that purpose.

II. And be it further enacted by the authority aforesaid, That from and after the twenty ninth day of *June*, one thousand seven hundred and sixty four, it shall and may be lawful, notwithstanding any of the acts aforesaid, or any other act of parliament, for any of his Majesty's subjects, in any ship or vessel built in *Great Britain*, or in his Majesty's colonies in *America*, or belonging to any of his Majesty's subjects, and navigated according to law, that shall clear outwards in any part of the said provinces of *South Carolina* or *Georgia*, to ship or load rice in the said provinces, and to carry the same directly to any parts of *America* southward of *South Carolina* or *Georgia*, without carrying the same to any other of his Majesty's plantations in *America*, or to *Great Britain*; the master or other person having or taking charge of such ship or vessel, before she clears outwards, first taking a licence, under the hand of the governor of the respective province for the time being, for the carrying the same from the said provinces respectively to some part of *America* southward of the said provinces, as aforesaid; which licence the said governors respectively are hereby authorized and required to grant, upon a certificate from the collector or comptroller of the port where such licence shall be desired, certifying that bond has been given (which bonds such collector or comptroller respectively is hereby authorized and required to take) with one or more sufficient security, in the sum of one thousand pounds if the ship be of less burthen than one hundred tons, and the sum of two thousand pounds if the ship shall be of that or a greater burthen, that no tobacco, sugars, cotton wool, indigo, ginger, fustick, or other dying wood, molasses, tar, pitch, turpentine, hemp, masts, yards, bowsprits, copper ore, beaver skins, or other furs, of the growth, production, or manufacture, of any *British* plantation in *America*, shall be laden or taken on board such ship or vessel at *South Carolina* or *Georgia*, or any other of his Majesty's plantations in *America*, unless it be for the necessary provisions of the ship in their voyage, and that such ship or vessel, ship;

Act 3 & 4 Anne, with respect to making rice of the British American colonies an enumerated commodity, confirmed; except as to such as by acts 3 & 8 Geo. II. and by this act, are permitted to be exported from *S. Carolina* and *Georgia*, &c.

Rice may be loaded on board ships navigated according to law, and belonging to British subjects, in any part of *South Carolina* and *Georgia*, and carried directly to any parts of *America* southward of the said colonies; the master first taking out a licence; which is to be granted, upon a certificate that bond has been given, that no enumerated goods shall be taken on board,

unless for necessary provisions of the vessel, ship;

and that the vessel shall return to some of the British colonies within 4 months. Licence to be produced at the port of arrival; and a certificate of arrival to be thereupon granted the master; upon producing whereof within 12 months, the bond is to be discharged.

vessel, after landing the said rice by virtue of such licence, shall return to the said provinces of *South Carolina* or *Georgia*, or proceed to some port in any of his Majesty's colonies or plantations in *America*, within the space of four calendar months from the time of clearing out of such port respectively; and that every master or other person taking charge of such ship or vessel, for which such licence shall be obtained for carrying rice to any parts of *America* southward of the said provinces of *South Carolina* or *Georgia*, shall produce such licence to the collector or comptroller, or other proper officer at such port as he shall arrive at in any of his Majesty's colonies or plantations in *America*; which said collector or comptroller, or other proper officer, is and are hereby authorized and required to give to the said master a certificate, certifying the arrival of such ship or vessel at such port within the time herein before limited and appointed; and that in case the said certificate be produced to the collector or comptroller of the said provinces respectively within twelve calendar months, the bond taken as aforesaid shall be cancelled and given up, otherwise such bond shall be forfeited to his Majesty, and shall and may be sued and prosecuted in any court of record in the said provinces respectively.

III. And, in order to ascertain the true quantity of rice exported from the said provinces, pursuant to such licence, and the liberty granted by this act, be it enacted by the authority aforesaid, That before the same shall be shipped or put on board, the merchant, or other person exporting the same, shall make an entry thereof in writing with the collector of his Majesty's customs, and the naval officer, and also with the comptroller (where there is such an officer) and thereupon there shall be payable to his Majesty so much as the half subsidy of the rice so shipped in *South Carolina* or *Georgia* shall amount unto, which would have remained in case the said rice had been first imported into *Great Britain*, and afterwards re-exported; and the collector of the port in which such ship shall be entered to sail, may and shall demand the full sum due for the half subsidy for all the rice mentioned in such entry; which said payment shall be well and truly made to the collector of such port respectively, at or before the said ship or vessel obtains the clearance; and the merchant or other person exporting such rice shall also take out a certificate or coquet of such entry, and shall, before the rice be shipped or put on board, indorse on the back of such coquet or certificate the true quantity intended to be shipped, mentioning the marks, number, and contents of each cask; and shall deliver the coquet, so indorsed, to the searcher or other officer appointed for examining and shipping thereof; and if, upon the weighing and examining the rice brought or intended to be shipped by virtue of such coquet or certificate, before or after the shipping thereof, the quantity shall appear to be greater than is indorsed thereon; or if any rice shall be laden or put on board any ship or vessel having liberty to trade by virtue of this act, or any hoy, lighter, bottom, boat, or other vessel, in order to be put

Exporter to make an entry of the rice before shipping;

and pay the half subsidy before clearance.

Coquet of such entry to be taken out, and the quantity to be shipped to be indorsed thereon, which is to be delivered to the searcher.

If the quantity be found greater than what is so indorsed,

put on board such ship or vessel before such entry, or taking out such coquet, and indorsing and delivering the same as aforesaid, contrary to the true intent and meaning hereof; all such rice, so shipped or intended to be shipped, shall be forfeited, as also the hoy, lighter, bottom, boat, or other vessel, employed in shipping the same; and the owner of such rice, or other person employed in shipping the same, shall also forfeit treble the value thereof, to be recovered in the court of vice admiralty held in any of his Majesty's plantations in *America*, or in any court of record in any of his Majesty's plantations in *America*, at the election of the informer or prosecutor; one third part thereof to be to the use of his Majesty, his heirs, and successors, one third part to the governor of the said provinces respectively, and the other one third to the informer or prosecutor.

IV. And be it further enacted by the authority aforesaid, That this act shall continue for five years from the twenty fourth day of *June*, one thousand seven hundred and sixty four, and from thence to the end of the then next session of parliament.

V. And whereas great quantities of foreign molasses and syrups are clandestinely run on shore in the *British* colonies, to the prejudice of the revenue, and the great detriment of the trade of this kingdom, and its *American* plantations; to remedy which practices for the future, be it further enacted by the authority aforesaid, That from and after the twenty ninth day of *September*, one thousand seven hundred and sixty four, bond and security, in the like penalty, shall also be given to the collector or other principal officer of the customs, at any port or place in any of the *British American* colonies or plantations, with one surety besides the master of every ship or vessel that shall lade or take on board there any goods particularly enumerated in the said acts, being the product or manufacture of any of the said colonies or plantations, or rice, by virtue of the licence under this present act, with condition, that, in case any molasses or syrups, being the produce of any of the plantations not under the dominion of his Majesty, his heirs, or successors, shall be laden on board such ship or vessel, the same shall (the danger of the seas and enemies excepted) be brought, without fraud or wilful diminution, by the said ship or vessel, to some of his Majesty's colonies or plantations in *America*, or to some port in *Great Britain*; and that the master or other person having the charge of such ship or vessel shall, immediately upon his arrival at any port or place in *Great Britain*, or in the *British American* colonies and plantations, make a just and true report of all the goods laden on board such ship or vessel, under their true and proper denominations; and if any such non-enumerated goods, or rice, as before-mentioned, shall be laden on board any such ship or vessel before such bond shall be given, the goods so laden, together with the ship or vessel, and her furniture, shall be forfeited, and shall and may be seized by any officer of the customs, and prosecuted, sued for, and recovered, in any court of record, or in any court of admiralty in the said colonies or plantations

or rice be put on board before entry, or in any other vessel, in order to be fraudulently shipped such rice, together with vessel employed therein, to be forfeited, and also treble the value. Recovery and application of the forfeiture, Aft to be in force for 5 years from 24 June, 1764.

From and after 29 Sept. 1764, where any enumerated goods or rice shall be shipped, bond and security is to be given, that any foreign molasses or syrups on board shall be brought without fraud to some of the *British* colonies, or to *Great Britain*; of which report is to be made at the port of arrival.

Non-enumerated goods, and rice, laden before giving bond, are forfeited, together with the vessel.

where

where such offence shall be committed, or in any court of vice admiralty which may or shall be appointed over all *America* (which court of admiralty, or vice admiralty, are hereby respectively authorized and required to proceed, hear, and determine the same) at the election of the informer or prosecutor.

Division and application of the penalties.

VI. And it is hereby further enacted, That all penalties and forfeitures so recovered there, under this or any former act of parliament, shall be divided, paid, and applied, as follows; that is to say, after deducting the charges of prosecution from the gross produce thereof one third part of the nett produce shall be paid into the hands of the collector of his Majesty's customs at the port or place where such penalties or forfeitures shall be recovered, for the use of his Majesty, his heirs, and successors, one third part to the governor or commander in chief of the said colony or plantation, and the other third part to the person who shall seize, inform, and sue for the same.

C A P. XXVIII.

An act to enable his Majesty, with the advice of his privy council, to order the importation of provisions from Ireland, during the next recess of parliament, under certain restrictions and regulations therein mentioned.

Preamble.

WHEREAS the price of provisions is at present high, and may become higher; that it greatly affects the poor people, and will tend to hurt the trade and manufactures of this kingdom, if not timely prevented; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful for his Majesty, during the next recess of parliament, by and with the advice of his privy council, from time to time, to order, permit, and authorize, the free importation of salted beef, salted pork, bacon, and butter, from *Ireland* into this kingdom, as his Majesty, in his great wisdom, shall think convenient and needful, and as the necessity of the times may require, and in such manner as his Majesty shall think fit to direct; any thing in any act or acts of parliament to the contrary notwithstanding.

His Majesty enabled with, advice of his privy council, to order the importation of salt provisions from Ireland, during the recess of parliament;

and all persons are exempted from payment of duties, and from penalties, &c. on account of such importation;

II. And be it further enacted by the authority aforesaid, That all persons shall be and are hereby exempted, freed, and discharged, from the payment of all subsidies, customs, rates, duties, and other impositions, and also from all penalties, forfeitures, payments, and punishments, for or upon account of importing or bringing such provisions from *Ireland* into this kingdom, for such time or times as his Majesty, by and with the advice of his privy council, shall, by his royal proclamation, think fit to order, permit, and authorize, to be imported; any act or acts of parliament to the contrary notwithstanding.

III. And,

III. And, to the intent that the revenue may not be prejudiced by the importation of salted provisions from *Ireland*, be it enacted by the authority aforesaid; That there shall be paid to such officer as the commissioners for the duties on salt for the time being shall appoint, at the port in *England* into which any salted beef, pork, bacon, or butter, shall, in pursuance of his Majesty's royal proclamation, be imported from *Ireland* as aforesaid, and before any part thereof shall be delivered out to the person or persons to whom the same shall belong or be consigned, the sum of three shillings and four pence for every barrel or cask of salted beef or pork, to be imported during the continuance of this act, containing thirty two gallons, and so in proportion for any greater or lesser quantity; and for every hundred weight of salted beef, called *dried beef*, or dried neats tongues, or dried hogfmeat, the sum of one shilling and three pence; and the sum of four pence for every hundred weight of all such salted butter, and so in proportion for any greater or less quantity than an hundred weight; as or for custom, or for duty, on or in respect thereof; the money so arising by the importation of the said salted beef, pork, or butter, to be paid into his Majesty's Exchequer as part of the duties on salt, laid on by an act in the fifth year of the reign of his late majesty King *George* the Second, and continued by several subsequent acts.

other than the following duties to the commissioners for the duties on salt;

viz. 3s. 4d. per barrel for beef or pork;

1s. 3d. per C. wt. for all dried beef, neats tongues, and hogmeat; and 4d. per C. wt. for all salted butter; which is to be paid over into the Exchequer as part of the duties on salt.

IV. And be it further enacted by the authority aforesaid, That if any person or persons shall, during the next recess of parliament, land any such salted beef, pork, or butter, or any salt beef called *dried beef*, or dried neat tongues, or dried hogfmeat, into this kingdom from *Ireland*, before payment of the duty or duties by this act specified and directed, the same shall be forfeited and lost, and twenty shillings *per* barrel for every barrel thereof, and so in proportion for any greater or less quantity, to be recovered of the importer or proprietor thereof; and that it shall and may be lawful to and for any person or persons, being an officer or officers of the customs, or of his Majesty's duties upon salt, to take and seize all such commodities as shall be imported and landed, contrary to the true intent and meaning of this act, together with the casks, vessels, and package containing the same; and that all such penalties and forfeitures shall be distributed in manner following; that is to say, one moiety thereof to the King, his heirs and successors, and the other moiety thereof to the person or persons who shall seize, sue, or inform for the same; to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*.

Any of the said provisions being landed without duty is first paid, are forfeited, with 20s. *per* barrel.

Recovery and application of the penalties.

V. Provided always, That no drawback shall be allowed or paid for any such salted beef or pork, so imported into this kingdom from *Ireland*, and which shall be exported from hence elsewhere.

No drawback to be allowed on exportation elsewhere.

VI. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants, in any such action or suit, may plead the general

General issue. general issue, and give this act and the special matter in evidence, at any trial to be had thereupon; and that the same was done in pursuance and by the authority of this act: and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared, or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as any defendant or defendants hath or have in other cases by law.

Treble costs.

Restrictions with respect to the granting importation of provisions from Ireland.

VII. Provided always, and it is hereby declared to be the true intent and meaning of this act, That nothing herein contained shall extend to authorize the free importation of salted beef, salted pork, bacon, or butter, from *Ireland*, unless when the price of the best ox beef in *Smithfield* market shall exceed three pence *per* pound for the four quarters, and unless the price of the best pieces of such beef shall exceed four pence *per* pound at *Leaden Hall* market, and unless the price of the best pork shall exceed four pence *per* pound, the best bacon seven pence *per* pound, and of the best butter shall exceed nine pence *per* pound, at *Leaden Hall* market aforesaid.

No order, &c. for importation to take place, before 1 June, 1764.

VIII. Provided always, and be it enacted by the authority aforesaid, That no order, permission, or authority, for the importation of butter from *Ireland* into this kingdom, shall be given or granted, till after the first day of *June*, one thousand seven hundred and sixty four.

C A P. XXIX.

An act for the encouragement of the whale fishery in the gulph and river of Saint Lawrence, and on the coasts of his Majesty's colonies in America.

Preamble.

WHEREAS a considerable whale fishery has been discovered in the gulph and river of Saint Lawrence, and has been carried on with success, but is still capable of improvement: and whereas it would contribute greatly to the encouragement of the said fishery, if the duty now payable on the importation of whale fins, taken from whales caught in the said gulph and river of Saint Lawrence, or in any seas on the coasts of any of his Majesty's colonies in America, were, for a competent time, lessened and reduced; we your Majesty's most dutiful and loyal subjects, the commons of *Great Britain* in parliament assembled, desirous to improve the advantages that have accrued to your Majesty's subjects from the cessions made by the late peace, most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for any person or persons, from and after the passing of this act, at any time before the twenty fifth day of

From the passing this act, to 25 Dec. 1770, &c. Whale fins, taken from whales caught by British sub-

December,

December, one thousand seven hundred and seventy, and from thence to the end of the then next session of parliament, to import in ships belonging to his Majesty's subjects (whereof the captain or master, and three fourth parts of the mariners, are his Majesty's subjects) whale fins taken from whales caught by any of his Majesty's subjects in the gulph or river of *Saint Lawrence*, or in any seas on the coasts of any of his Majesty's colonies in *America*, without paying any custom, subsidy, or duty, for the same, other than and except the rate or duty commonly called *The old subsidy*, granted by an act made in the twenty fifth year of the reign of King *Charles the Second*, intituled, *An act for the encouragement of the Greenland and Eastland trades, and for the better securing the plantation trade*, for and during the said term; any law or statute to the contrary thereof notwithstanding.

II. Provided always, and be it enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to allow the importation of whale fins without paying any custom, subsidy, or duty, other than and except the said rate or duty commonly called *The old subsidy*, unless the captain, master, or other commanding officer of the ship or vessel, or the person importing the same, shall first make oath before one of the principal officers of the customs in the port or ports of importation (who is and are hereby authorized and required to administer such oath) that all the whale fins imported in such ship or vessel were, to the best of his knowledge and belief, really and *bona fide* the fins of whales caught and taken in the gulph or river of *Saint Lawrence*, or in the seas on the coasts of some of his Majesty's colonies in *America*, by the crew of such ships and vessels only, whereof the owner or owners, the captain or master, and three fourth parts of the mariners, were his Majesty's subjects.

the master first making oath, at the port of importation, of the truth of the premises.

C A P. XXX.

An act for applying the money granted in this session of parliament, for defraying the charge of the pay and cloathing of the militia of that part of Great Britain called England, for one year, beginning the twenty fifth day of March, one thousand seven hundred and sixty four.

WHEREAS the sum of eighty thousand pounds has been granted to his Majesty for defraying the charge of pay and cloathing for the militia, for one year, from the twenty fifth day of March, one thousand seven hundred and sixty four: in order therefore that the charge of pay and cloathing for such militia may be duly and properly defrayed and satisfied; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That

Where the militia is or shall be raised, the receiver general of the county is to issue 4 months pay in advance, according to the establishment of pay here set down; with half a year's salary to the regimental and battalion clerks;

Preamble.

clerks; and the allowances to the clerks of the general and sub-division meetings; and pay for cloathing the militia. — The above sums are not to be paid, if pay has not before been issued, till the lord lieutenant or deputies shall have certified to the treasury and receivers general the inrollment of three fifths of the men and officers. — The money is to be paid by the receiver general to the clerk of the regiment or battallion (except the allowances to the clerks of the meetings) upon producing the warrant of his appointment; and for independent companies, to the respective captains, or to their order; according to the establishment laid down in the militia act of 2 *Geo. iii.* — A second payment is also to be made within three months after the first; and a third within three months after the second. Receipts of the persons, to whom the monies shall be so paid, discharge to the receivers general. — The regimental and battallion clerks are to pay in advance one month's pay to the adjutant; and two months pay to each captain, for the serjeants, drummers, and contingent expences of the said company; Captains to pay for each man 1 *d.* per month out of the contingent money, towards charges of the hospital; and for the serjeant-major, and drum-major; to be paid to the commanding officer of the company, to which they belong: Captains to distribute the pay accordingly; and account for the same yearly to the clerk or receiver general, if an independent company; and pay back the surplus monies in his hands, except the contingent expences, which is to be accounted for, and applied to the general use of the regiment, &c. Captains of independent companies to distribute the pay to their men, and apply the money allowed for contingent expences. — Clerk to retain money in his hands for his own salary; and discharge the cloathing bills. — When the lords lieutenants or deputies shall have fixed the days of exercise, they are to certify the same to the receiver general, specifying the number of men, and days they shall be absent from home. Receiver general to issue thereupon pay for officers and men to the regimental clerk, &c. Where there shall be independent companies only, the receiver general is to issue pay to the captains, according to the rate here set down. Regimental clerk to pay over the money to the respective captains. Captains to make up their account, to be signed by them, and countersigned by the commanding officer, and delivered with ballance, to the clerk or receiver general. Accounts allowed sufficient vouchers. — During the time the troops are embodied, and called out into actual service, and receive pay as the King's other forces, all pay and allowances from the receivers general is to cease. Receiver general to pay the clerk of the general meetings upon producing an order from the lieutenant, or three deputy lieutenants assembled. And the clerks of the sub-division meetings upon producing a like order from one deputy lieutenant. Orders to discharge receivers general. — Regimental and battallion clerks to give security for paying and accounting for the monies received by them; the bonds to be lodged with the receivers general, and put in suit by them on non-performance of the condition; and they are intitled thereupon to full costs and charges; and 5 *l.* per cent. of the money recovered; the residue to be accounted for to the auditor. — The regimental and battallion clerks, and captains of independent companies, are to deliver in accounts of their receipts and disbursements, and pay over the ballance to the receivers general; who are to transmit the accounts into the auditor's office. — Recovery of penalties, &c. — No fee payable for any warrant or sum of money issued in pursuance of this act. — Officers in half pay serving in the militia, may receive the subsistence money payable to captains, lieutenants, or ensigns; they taking oath before a justice, that during such period of time they have not had any other place or employment of profit civil or military under his Majesty.

CAP. XXXI.

An act to indemnify such persons as have omitted to qualify themselves for offices and employments; and to indemnify justices of the peace, deputy lieutenants, and officers of the militia, or others, who have omitted to register or deliver in their qualifications within the time limited by law, and for giving further time for those purposes; and to indemnify members and officers in cities, corporations, and borough towns, whose admissions have been omitted to be stamped according to the several acts of parliament now in force for that purpose, or, having been stamped, have been lost or mislaid, and for allowing them time to provide admissions duly stamped; and to prevent the destruction of trees and underwoods growing in forests and chases.

WHEREAS divers persons, who, on account of their offices, places, employments, or professions, or any other cause or occasion, ought to have taken and subscribed the oaths, or the assurance, respectively appointed to be by such persons taken and subscribed, in and by an act made in the first year of the reign of his late majesty King George the First, of glorious memory, intituled, An act for the further security of his Majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants; and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors; or to have qualified themselves according to an act made in the thirteenth year of the reign of King Charles the Second, intituled, An act for the well governing and regulating corporations; or to have qualified themselves according to another act made in the twenty fifth year of the reign of King Charles the Second, intituled, An act for preventing the dangers which may happen from popish recusants, by receiving the sacrament of the Lord's supper according to the usage of the church of England, and making and subscribing the declaration against transubstantiation therein mentioned; or according to another act made in the thirtieth year of the reign of King Charles the Second, intituled, An act for the more effectual preserving the King's person and government, by disabling papists from sitting in either house of parliament; or according to another act made in the eighteenth year of the reign of his late majesty King George the Second, intituled, An act to amend and render more effectual an act passed in the fifth year of his present Majesty's reign, intituled, An act for the further qualification of justices of the peace; or according to another act made in the second year of the reign of his present Majesty, intituled, An act to explain, amend, and reduce into one act of parliament, the several laws now in being relating to the raising and training the militia within that part of Great Britain called England; have, through ignorance of the law, absence, or some unavoidable accident, omitted to take and subscribe the said oaths and assurance, or otherwise to qualify themselves as aforesaid, within such time, and in such manner, as in and by the said

Preamble, reciting the several qualifying acts of

1 Geo. I.

13 Car. II.

25 Car. II.

30 Car. II.

18 Geo. II.

and 1 Geo. III.

Further time
to 28 Nov.
1764, allowed
to persons
who have
omitted to
qualify them-
selves, as the
said laws di-
rect.

Persons quali-
fying them-
selves in man-
ner, and with-
in the time,
appointed, re-
capacitated
and indemni-
fied.

acts respectively, or by any other act of parliament in that be-
half made and provided, is required, whereby they may be in
danger of incurring divers penalties and disabilities: for quiet-
ing the minds of his Majesty's subjects, and for preventing any
inconveniencies that might otherwise happen by means of such
omissions, be it enacted by the King's most excellent majesty,
by and with the advice and consent of the lords spiritual and
temporal, and commons, in this present parliament assembled,
and by the authority of the same, That all and every person
or persons, who shall, on or before the twenty eighth day of
November, one thousand seven hundred and sixty four, take and
subscribe the said oaths and assurance respectively, in such cases
wherein by law the said oaths and assurance ought to have been
taken or subscribed, in such manner and form, and such place
and places, as are appointed in and by the said act made in the
first year of the reign of his said late majesty King *George* the
First, or by any other act or acts of parliament in that behalf
made and provided; and also receive the sacrament of the Lord's
supper, according to the usage of the church of *England*, and
make and subscribe the said declaration against transubstantia-
tion, in such cases wherein the said sacrament ought to have
been received, and the said declaration ought to have been
made and subscribed; and take and subscribe the oath directed
by the said act made in the eighteenth year of the reign of
his late majesty King *George* the Second, in such cases wherein
the said oath ought to have been taken and subscribed, in such
manner as by the said act is directed; and also, being a depu-
ty lieutenant or officer of the militia, shall, on or before the
first day of *August*, one thousand seven hundred and sixty four,
leave his qualification in writing with the clerk of the peace,
with whom he is, by the said act made in the second year of
his present Majesty's reign, required to leave the same; shall
be and are hereby indemnified, freed and discharged, from and
against all penalties, forfeitures, incapacities, and disabilities,
incurred or to be incurred, for or by reason of any former neglect
or omission of taking or subscribing the said oaths or assurance,
or receiving the sacrament, or making or subscribing the said
declarations, or taking and subscribing the said oath, or leaving
his qualification in writing with the clerk of the peace respec-
tively, according to the above-mentioned acts, or any of
them, or any other act or acts, is and are and shall be fully
and actually recapacitated and restored to the same state and
condition as such person or persons were before such neglect
or omission, and shall be deemed and adjudged to have duly
qualified him, her, or themselves, according to the above-
mentioned acts, and every of them; and that all acts done or to
be done by any such person or persons, or by authority derived
from him, her, or them, are and shall be of the same force and
validity, as the same or any of them would have been, if such
person or persons respectively had taken the said oaths or assu-
rance, and received the sacrament of the Lord's supper, and
made and subscribed the said declaration, and taken and sub-

scribed.

scribed the said oath, and left his qualification in writing with the clerk of the peace, according to the direction of the said acts, and every of them; and that such person or persons qualifying themselves in manner, and within the time, appointed by this act, shall be, to all intents and purposes, as effectual, as if such person or persons had respectively taken the said oaths and assurance, and received the sacrament, and made and subscribed the said declaration, and taken and subscribed the said oath, and left his qualification in writing with the clerk of the peace within the time, and in the manner appointed by the several acts before mentioned.

II. Provided always, That this act, or any thing herein contained, shall not extend, or be construed to extend, to restore or intitle any person or persons to any office or employment, benefice, matter, or thing, whatsoever, already actually avoided by judgment of any of his Majesty's courts of record, already filled up or enjoyed by any other person; but such office, employment, benefice, matter, or thing, so avoided, or filled up and enjoyed, shall be and remain in and to the person or persons who is or are now intitled to the same, as if this act had never been made.

Offices, &c. already avoided by judgment of a court, and filled up, confirmed.

III. Provided also, That this act, or any thing herein contained, shall not extend, or be construed to extend, to indemnify any person against whom final judgment shall have been given in any action of debt, bill, plaint, or information, in any of his Majesty's courts of record, for any penalty incurred by having neglected to qualify himself within the time limited by law, or any person who shall have omitted to qualify himself within the time limited by any act or acts of parliament made during the reign of his late majesty King George the Second, for indemnifying persons who have omitted to qualify themselves for offices and employments.

None indemnified where final judgment hath been given for the penalty incurred.

IV. And whereas admissions of divers members and officers of cities, corporations, and borough towns, which, by several acts of parliament, are directed and required to be stamped, may not have been provided, or the same not duly stamped, or may have been lost or mislaid; be it further enacted by the authority aforesaid, That for the relief of such persons whose admissions may not have been provided, or not duly stamped as aforesaid, or where the same have been lost or mislaid, it shall and may be lawful to and for such persons, on or before the said twenty eighth day of November, one thousand seven hundred and sixty four, to provide, or cause to be provided, admissions duly stamped, and such persons so providing admissions duly stamped as aforesaid, are and shall be hereby confirmed and qualified to act as member or members, officer or officers, of such cities, corporations, and borough towns respectively, to all intents and purposes, and shall and may hold, enjoy, and execute the same, or any other office or offices into which he or they hath or have been elected, notwithstanding his or their omission, or the omission of any of their predecessors in such cities, corporations, or borough towns, as aforesaid, and shall be indemnified and discharged

Such persons whose admissions may not have been provided, or not duly stamped, or which have been lost, or mislaid, are allowed to 28 Nov. 1764, to provide, &c. the same;

and they are
thereupon in-
demnified, &c.

charged of and from all incapacities, disabilities, forfeitures, penalties, and damages, by reason of any such omission, and none of his or their acts shall be questioned or avoided by reason of the same.

Where any
shall desire to
have their
admissions re-
newed,

V. Provided always, and be it further enacted by the authority aforesaid, That when and as often as any member or members, officer or officers of any city, corporation, or borough town, shall desire to have his, her, or their admissions, renewed or confirmed in manner aforesaid, the mayor or other chief magistrate of such city, corporation, or borough town, shall, and he is hereby required in every such case, upon notice given to him by any one or more member or members, officer or officers, of any city, corporation, or borough town, to summon a hall, common council, or other proper publick meeting, within ten days after such notice given to him, for the purpose of admitting or granting copies, and confirming the admissions of such person or persons as aforesaid.

a hall is to be
summoned for
granting cop-
ies, and con-
firming such
admissions.

Officers and
keepers of
woods and
chases, &c.
may seize any
saw or other
instrument
used in un-
lawfully cut-
ting any trees,
&c. therein.

VI. And whereas the laws in being are found to be ineffectual for preventing the destruction of timber trees, and other trees, underwood and covert, growing upon the forests and chases within this kingdom; be it further enacted by the authority aforesaid, That from and after the passing of this act, it shall and may be lawful for every surveyor of his Majesty's woods, and his lawful deputy, and also for the officers and keepers of any forest or chase, to seize and take away, for his and their own use, any saw, axe, hatchet, bill-hook, or other instrument, used by any person or persons whom they shall find unlawfully stocking up, sawing, cutting down, topping, lopping, or destroying, any timber tree, or other tree, underwood or covert, within such forest or chase.

CAP. XXXII.

An act to impower the high court of chancery to lay out, upon proper securities, a further sum of money, not exceeding a sum therein limited, out of the common and general cash in the bank of England belonging to the suitors of the said court; and for applying the interest arising therefrom, towards answering the charges of the office of the accountant general of the said court.

Preamble, re-
citing clause
in act 12 Geo.
II.

WHEREAS by an act of parliament passed in the twelfth year of the reign of his late majesty King George the Second, intituled, An act to impower the high court of chancery to lay out, upon proper securities, any monies not exceeding a sum therein limited, out of the common and general cash in the bank of England belonging to the suitors of the said court, for the ease of the said suitors, by applying the interest arising therefrom for answering the charges of the office of accountant general of the said court, a provision is made for the support and maintenance of the office of accountant general of the court of chancery, by directing cer-
tain

tain payments to be made, in the manner therein mentioned, to the said accountant general and his two clerks, for their salaries, in lieu of, and in recompence for, all fees whatsoever that would be due and payable to the said office by the suitors: and whereas since the passing the said act, the money and effects belonging to the suitors of the said court, under the care and direction of the said accountant general, are greatly increased; by reason whereof the necessary business of the said office is grown so extensive and laborious, that the provision made by the said act is become insufficient to answer the charges attending the execution of the said office: wherefore, in order to provide for the further support of the said office, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That out of the cash that now lies, or shall hereafter lie dead and unemployed in the bank of *England*, belonging to the suitors of the said court of chancery, a sum not exceeding five thousand pounds shall and may, by virtue of any order or orders of the said court to be made for that purpose, from time to time be placed out in one intire sum, or in parcels, on such government or parliamentary securities as in and by such order or orders shall be directed, to the intent that the interest and annual profits arising from the money so to be placed out as aforesaid, may be applied for the purposes herein after mentioned; and that the said court of chancery may, from time to time, change the security or securities on which the said monies shall be so placed out, as the said court shall think expedient.

II. And be it further enacted, That the interest and annual profits arising and to be produced from the said securities shall, from time to time, be received by the governor and company of the bank of *England*, and placed to the credit of the same account as was raised in the books kept there for the suitors of the said court, by virtue of the said act herein before mentioned, of interest arising from money placed out in pursuance of the said act; and that out of such interest money and annual profits, there shall be paid, by quarterly payments, by the governor and company of the bank of *England*, by virtue of an order or orders of the court of chancery to be made for that purpose, the annual sum of one hundred and twenty pounds to the said accountant general's third clerk; which said salary shall commence from the eighth day of *April* in the year of our Lord one thousand seven hundred and sixty four, and shall, together with the salaries appointed by the said act herein before mentioned, be in lieu of, and in recompence and satisfaction for, all fees whatsoever, which, from that time shall or would be due or payable to the said office, by the suitors; and that the residue of the interest and annual profits, arising and to be produced from the said securities, shall be accounted for and taken as part of the common and general cash of and belonging to the suitors of the said court of chancery, and shall be issued and applied pursuant and according to the directions of an act of parliament, passed in

Court of chancery authorized to direct the placing out at interest, on government securities, 5000l. of the cash lying dead in the bank, belonging to the suitors of the court; and to change the securities as the court shall think proper.

The bank to receive the interest and profits thereof,

and to pay thereout, upon an order from the court, 120l. per ann. by quarterly payments, to the accountant general's third clerk; the salary to commence from 8 April, 1764, and to be in lieu of all fees. Residue of the interest, &c. to be accounted for as part of the general cash belong-

ing to the
sutors,
and to be ap-
plied pursuant
to act 12

Geo. I.

If the whole,
or any part of
the said sums
of 5000l. shall
be wanted to
pay the suit-
ors,
the court may
direct the cal-
ling in thereof.

the twelfth year of the reign of his late majesty King George the First, intituled, *An act for the relief of the suitors of the high court of chancery.*

III. Provided always, and be it further enacted and declared, That if at any time hereafter the whole, or any part of the said sum of five thousand pounds, shall be wanted to answer any of the demands of the suitors of the said court of chancery, then, and in such case, the said court may and shall direct the same, or any part thereof, to be called in, or the securities on which the same shall be placed to be disposed of, in order that the suitors of the said court may at all times be paid their respective demands, out of the common and general cash belonging to such suitors.

CAP. XXXIII.

An act for preventing inconveniencies arising in cases of merchants, and such other persons as are within the description of the statutes relating to bankrupts, being intituled to privilege of parliament, and becoming insolvent.

Preamble.

WHEREAS, merchants, bankers, brokers, factors, scriveners, and traders, within the description of the statutes relating to bankrupts, having privilege of parliament, are not compellable to pay their just debts, or to become bankrupts, by reason of the freedom of their persons from arrests upon civil process; and some doubts have also arisen, whether, in cases of bankruptcy, a commission can be sued out during the continuance of such privilege: to remedy which inconveniencies, and to support the honour and dignity of parliament, and good faith and credit in commercial dealings, which require, that in such cases, the laws should have their due course, and that no such merchants, bankers, brokers, factors, scriveners, or traders, in case of actual insolvency, should, by any privilege whatever, be exempted from doing equal justice to all their creditors; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and it is hereby enacted by the authority of the same, That from and after the eleventh day of May, one thousand seven hundred and sixty four, it shall be lawful for any single creditor, or two or more creditors, being partners, whose debt or debts shall amount to one hundred pounds or upwards, and for any two creditors whose debts shall amount to one hundred and fifty pounds or upwards, or any three or more creditors whose debts shall amount to two hundred pounds or upwards, of any person or persons deemed a merchant, banker, broker, factor, scrivener, or trader or traders, within the description of the acts of parliament relating to bankrupts, having privilege of parliament, at any time, upon affidavit or affidavits being made and filed on record in any of his Majesty's courts at Westminster by such creditor or creditors, that such debt or debts is or are justly due to him or them respectively, and that every such debtor, as he or they verily believe, is a merchant, banker, broker, factor, scri-
vener,

From and af-
ter 11 May,
1764, credi-
tors, to a cer-
tain value, of
any merchant,
&c. within the
description of
the laws re-
lating to
bankrupts,
having privi-
lege of par-
liament,
may, upon af-
fidavit made
of the debt,
and filed in
any of the
courts at
Westminster,

vener, or trader, within the description of the statutes relating to bankrupts, to sue out of the same court a summons, or an original bill and summons, against such merchant, banker, broker, factor, scrivener, or trader, and serve him with a copy thereof; and if such merchant, banker, broker, factor, scrivener, or trader, shall not within two months after personal service of such summons (affidavits of the debt or debts having been duly made and filed as aforesaid) pay, secure, or compound for, such debt or debts, to the satisfaction of such creditor or creditors, or enter into a bond in such sum, and with two such sufficient sureties, as any of the judges of that court out of which such summons shall issue shall approve of, to pay such sum as shall be recovered in such action or actions, together with such costs as shall be given in the same, he shall be accounted and adjudged a bankrupt from the time of the service of such summons; and any creditor or creditors may sue out a commission against any such person, and proceed thereon in like manner as against other bankrupts.

sue out a summons, or original bill, &c. against such debtor: and if he shall not, within a month, pay, secure, or compound for the debt,

he shall be adjudged a bankrupt; and a commission may be accordingly sued out against him.

II. Provided always, and it is hereby declared, That this act shall not extend, or be deemed or construed to extend, to any such debt or debts as aforesaid contracted before the eighth day of *March*, one thousand seven hundred and sixty four; any thing herein before contained to the contrary thereof in any wise notwithstanding.

But this act is not to extend to such debts as were contracted before 8 March, 1764.

III. And be it further enacted by the authority aforesaid, That if any merchant, banker, broker, factor, scrivener, or trader, shall, after the last day of this session of parliament, commit any act of bankruptcy, that then, and in such case, any creditor or creditors as aforesaid may sue out a commission of bankrupt against such merchant, banker, broker, scrivener, or trader; and the commissioners in such commission, and other persons, may proceed thereon in like manner as against other bankrupts; any privilege of parliament to the contrary notwithstanding.

But any merchant, &c. committing an act of bankruptcy after the last day of this session, the creditors may sue out a commission against him, and his privilege,

the commissioners proceed therein, as against other bankrupts, notwithstanding

IV. Provided nevertheless, and be it enacted, That nothing in this act shall subject any person intitled to privilege of parliament to be arrested, or imprisoned, during the time of such privilege, except in cases made felony by the acts relating to bankrupts, or any of them.

Persons intitled to privilege not subject to arrest, &c. except in cases made felony.

C A P. XXXIV.

An act to prevent paper bills of credit, hereafter to be issued in any of his Majesty's colonies or plantations in America, from being declared to be a legal tender in payments of money; and to prevent the legal tender of such bills as are now subsisting, from being prolonged beyond the periods limited for calling in and sinking the same.

WHEREAS great quantities of paper bills of credit have been created and issued in his Majesty's colonies or plantations in America,

Preamble.

America, by virtue of acts, orders, resolutions, or votes of assembly, making and declaring such bills of credit to be legal tender in payment of money: and whereas such bills of credit have greatly depreciated in their value, by means whereof debts have been discharged with a much less value than was contracted for, to the great discouragement and prejudice of the trade and commerce of his Majesty's subjects, by occasioning confusion in dealings, and lessening credit in the said colonies or plantations: for remedy whereof, may it please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of September, one thousand seven hundred and sixty four, no act, order, resolution, or vote of assembly, in any of his Majesty's colonies or plantations in America, shall be made, for creating or issuing any paper bills, or bills of credit of any kind or denomination whatsoever, declaring such paper bills, or bills of credit, to be legal tender in payment of any bargains, contracts, debts, dues, or demands whatsoever; and every clause or provision which shall hereafter be inserted in any act, order, resolution, or vote of assembly, contrary to this act, shall be null and void.

After 1 Sept. 1764, all future acts of assembly, &c. for creating, &c. paper bills of credit, declaring them to be a legal tender in payment of money; are void.

II. And whereas the great quantities of paper bills, or bills of credit, which are now actually in circulation and currency in several colonies or plantations in *America*, emitted in pursuance of acts of assembly declaring such bills a legal tender, make it highly expedient that the conditions and terms, upon which such bills have been emitted, should not be varied or prolonged, so as to continue the legal tender thereof beyond the terms respectively fixed by such acts for calling in and discharging such bills; be it therefore enacted by the authority aforesaid, That every act, order, resolution, or vote of assembly, in any of the said colonies or plantations, which shall be made to prolong the legal tender of any paper bills, or bills of credit, which are now subsisting and current in any of the said colonies or plantations in *America*, beyond the times fixed for the calling in, sinking, and discharging of such paper bills, or bills of credit, shall be null and void.

as are also all acts, &c. which shall be made to prolong the legal tender of such bills now subsisting, beyond the periods limited for calling in and sinking the same.

III. And be it further enacted by the authority aforesaid, That if any governor or commander in chief for the time being, in all or any of the said colonies or plantations, shall, from and after the said first day of *September*, one thousand seven hundred and sixty four, give his assent to any act or order of assembly contrary to the true intent and meaning of this act, every such governor or commander in chief shall, for every such offence, forfeit and pay the sum of one thousand pounds, and shall be immediately dismissed from his government, and for ever after rendered incapable of any public office or place of trust.

Governor, giving his assent to any such act, forfeits 1000l. and is incapacitated.

This act not to alter or re-

IV. Provided always, That nothing in this act shall extend to alter or repeal an act passed in the twenty fourth year of the reign

reign of his late majesty King George the Second, intituled, *An act to regulate and restrain paper bills of credit in his Majesty's colonies or plantations of Rhode Island and Providence plantations, Connecticut, the Massachusetts Bay, and New Hampshire, in America, and to prevent the same being legal tenders in payments of money.* act 24 Geo. II.

V. Provided also, That nothing herein contained shall extend, or be construed to extend, to make any of the bills now subsisting in any of the said colonies a legal tender. nor to make any bills now subsisting a legal tender.

CAP. XXXV.

An act for making compensation to the proprietors of such lands and hereditaments as have been purchased upon the sea coasts in the counties of Kent, Suffex, and Southampton, on which forts and batteries have been erected for defence of the said coasts, in pursuance of an act passed in the second year of the reign of his present Majesty, and for other purposes therein mentioned.

WHEREAS in pursuance of an act of parliament passed in the second year of his Majesty's reign, intituled, *An act for vesting certain lands, tenements, and hereditaments upon the sea coasts in the counties of Kent, Suffex, and Southampton, on which forts and batteries have been erected for the defence of the said coasts, in trustees, for certain uses, and for other purposes therein mentioned; his Majesty was most graciously pleased to issue a commission by his letters patent under the great seal of Great Britain, bearing date at Westminster the nineteenth day of July, in the second year of his reign, to empower and authorize certain persons therein named to be commissioners for putting in execution the said act, and did give to them, or any five or more of them, full power and authority to do, perform, and execute all and every the matters and things whatsoever, which by the said act such commissioners were authorized and required to do, perform, and execute, thereby willing them, or any five or more of them, from time to time, to proceed and act according to the rules and directions of the said act of parliament: and whereas by virtue of the said commission, and in pursuance of the said act, eleven of the said commissioners, in the said commission named, did, on the sixth day of September, in the said second year of his Majesty's reign, meet, pursuant to notice thereof given and fixed up at the door of the Guild hall of the city of Canterbury in the said county of Kent, and at the principal gates of, and entrances into, the respective forts and batteries at Folkestone and Hyth, and likewise published in the London Gazette, thirty days and more before such meeting, at the Old Castle of Canterbury aforesaid; and did then and there, in a summary manner, proceed and act by and upon the testimony of witnesses, inspection and examination of deeds, writings, and records, and by and upon the inquest of seventeen good and lawful men qualified to serve upon juries at the assizes for the said county of Kent, impanelled, summoned, and returned by George Kelly esquire, sheriff of the said county, to take the inquest, who, upon their oaths duly administered,*

Preamble, reciting clauses in act 2 Geo. II.

mistered, did inquire into and present the true and real value of the lands, tenements, and hereditaments, mentioned in the said act to be situate at Folkestone and Hyth in the said county of Kent, and of every part and parcel thereof, and who respectively were the owners and proprietors thereof, and their respective estates and interest therein; and thereupon the said commissioners then present did adjudge and determine who respectively were the owners and proprietors of the said lands, tenements, and hereditaments at Folkestone and Hyth aforesaid, and their respective estates and interest therein, and in every part and parcel thereof, and what each respective owner and proprietor thereof was intitled to for his respective estates and interest therein, amounting together to the sum of ninety pounds of lawful money of Great Britain: and whereas by virtue of the said commission, and in pursuance of the said act, ten of the said commissioners in the said commission named, did, on the thirteenth day of September, in the said second year of his Majesty's reign, meet at the town hall of the borough of Lewes in the said county of Sussex, pursuant to notice given and fixed up at the town hall of the borough of Lewes aforesaid, and at the principal gates of, and entrances into, the respective forts and batteries at Little Hampton, Brighthelmston, Newhaven, Blotchington, Seaford, Hastings, and at the Upper Battery and Lower Battery at Rye, and likewise published in the London Gazette thirty days and more before such meeting; and did then and there, in a summary manner, by and upon the testimony of witnesses, inspection and examination of deeds, writings, and records, and by and upon the inquest of nineteen good and lawful men qualified to serve upon juries at the assizes for the said county of Sussex, impanelled, summoned, and returned by Thomas Grainger esquire, sheriff of the said county of Sussex, to take the inquest, who, upon their oaths, did enquire into and present the true and real value of the said lands, tenements, and hereditaments, in the said act mentioned to be situate in Climpton, Brighthelmston, Newhaven, Blotchington, Seaford, Hastings, and Rye, in the said county of Sussex, and of every part and parcel thereof, and who respectively were the owners and proprietors thereof, and their respective estates and interest therein, and thereupon the said commissioners then present, did adjudge and determine who respectively were the owners and proprietors of the said lands and hereditaments in the said county of Sussex, and their respective estates and interest therein, and in every part and parcel thereof, and what each respective owner and proprietor thereof was intitled to, for his, her, and their respective estates and interest therein, amounting together to the sum of one hundred twenty one pounds, thirteen shillings, of like lawful money of Great Britain: and the said commissioners then present at the said town hall of the said borough of Lewes, upon the complaint of several persons owners of lands, adjoining to part of the lands by the said act vested, that they had respectively received damage by making the fortifications there, did certify and estimate the respective damages done to the respective lands of the several persons complaining, amounting together to the sum of thirty two pounds, and seventeen shillings, of like lawful money of Great Britain: and whereas by virtue of the said commission, and in pursuance of the said act, six of the

com-

commissioners in the said commission named did, on the twenty seventh day of September, in the said second year of his Majesty's reign, meet at the town hall of the borough of Portsmouth, in the said county of Southampton, pursuant to notice given and fixed up at the door of the town hall of the said borough of Portsmouth aforesaid, and at the principal gates of, and entrances into, the respective forts and batteries at Lumps and Eastney, and likewise published in the London Gazette, thirty days and more before such meeting; and did then and there, in a summary manner, by and upon the testimony of witnesses, inspection and examination of deeds, writings, and records, and by and upon the inquest of two and twenty good and lawful men qualified to serve upon juries at the assizes for the said county of Southampton, impanelled, summoned, and returned, by Sir Thomas Gatehouse knight, sheriff of the said county of Southampton, to take the inquest, who, upon their oaths, did enquire into and present the true and real value of the said lands, tenements, and hereditaments, in the said act mentioned to be situate in the parish of Portsea, in the said county of Southampton, and of every part and parcel thereof, and who respectively were the owners and proprietors thereof, and their respective estates and interest therein, and thereupon the said commissioners then present did adjudge and determine who respectively were the owners and proprietors of the said lands, tenements, and hereditaments, in the said parish of Portsea, and their respective estates and interest therein, and in every part and parcel thereof, and what each respective owner and proprietor thereof was intitled to, for his respective estate and interest therein, amounting together to the sum of three hundred and one pounds, five shillings, of like lawful money of Great Britain: and whereas it is just and reasonable the owners and proprietors of the respective lands, tenements, and hereditaments should be paid the respective sums to them adjudged, for their estates and interest in the said lands, tenements, and hereditaments, in and by the said recited act mentioned and vested in the said trustees therein named, together with interest for the same, after the rate of four pounds per centum per annum, from the time the said lands were first made use of for the purposes in the said act mentioned, to the time of payment of their principal money; for which purpose, and for the more effectual carrying the said act into execution, may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That A sum not exceeding 649 l. 8 s. 9 d. 1 q. to be issued out of the supplies granted for the service of the current year, towards making satisfaction to the respective proprietors and persons interested

in the pre-
misses.

recited act mentioned, according to their several estates and interest therein, in possession, reversion, remainder, or otherwise.

II. And to the intent that all and singular the proprietors aforesaid may be paid for their respective estates and interests, all and every such sum and sums of money as they have been adjudged and determined by the said commissioners to be respectively intitled unto, together with interest for the same after the rate of four pounds *per centum per annum*, from the time the respective lands were first made use of for the purposes in the said recited act mentioned, to the time of payment of the said principal sums; be it further enacted by the authority aforesaid, That it shall and may be lawful for the surveyor general of the ordnance for the time being to make out and allow one or more bill or bills to the respective person or persons, bodies politic or corporate, for such sum and sums of money as is or are to them respectively adjudged, together with interest for the same after the rate of four pounds *per centum per annum*; which bill or bills, so made out and allowed, shall express the respective lands, and the number of acres, together with the name of the person or persons, bodies politic or corporate, and the respective sum or sums of money he, she, or they is or are to receive; and thereupon one or more debenture or debentures shall be prepared for the several and respective sums as aforesaid by the clerk of the ordnance for the time being, and signed by three or more of the principal officers of the ordnance for the time being; which debenture or debentures is and are hereby required to be paid by the treasurer of the ordnance for the time being, who shall take acquittances from the parties indorsed thereon.

III. And be it further enacted by the authority aforesaid, That if any person or persons, bodies politic or corporate, shall wilfully refuse to accept of or receive such debenture or debentures as aforesaid, that then, and in such case, it shall and may be lawful for the clerk of the ordnance for the time being, to leave and deposit such debenture or debentures with the clerk of the peace of the respective counties where the lands, tenements, or hereditaments do lie, in respect whereof such sum of money is to be paid, and to take his acquittance or acquittances for the same; which such clerk of the peace is hereby required to give without any fee or reward, and which shall be taken and deemed to be valid; and the lands, tenements, and hereditaments, of such person or persons, bodies politic or corporate, so refusing to accept such debenture or debentures, shall be vested to the use of his Majesty, his heirs and successors for ever, as if he, she, or they had received such debenture or debentures, and the money thereon due had been fully satisfied and paid.

IV. And whereas, the money respectively adjudged to the several person and persons, bodies politic and corporate, are, taken distributely, so minute and inconsiderable, that were the same to be paid into the hands of the deputy of the King's remembrancer of his Majesty's court of Exchequer at *Westminster*, to be disposed of, subject to, and by the orders and direction of the

Bills to be
made out at
the office of
ordnance for
the sums due
to the respec-
tive proprie-
tors, &c.
and debent-
ures to be
granted there-
upon,

which are to
be paid by the
treasurer of
the ordnance.
Debentures
refused to be
accepted, may
be left with
the clerk of
the peace of
the county
wherein the
lands lie, and
acquittance
to be taken
for the same;

Lands to vest
thereupon in
his Majesty.

the said court, the several owners and proprietors of the lands would have no satisfaction for the same; but the whole or greater part of the money, would necessarily be expended in discharging the fees of the said court; for remedy whereof, be it further enacted, That the several sum and sums of money due and owing to any impropiator, appropriator, parson, or vicar, in right of his church, shall, and lawfully may be paid into the hands of such impropiator, appropriator, parson, or vicar; and all sum and sums of money due and owing to any body or bodies politic or corporate, or any trustees for their use, shall, and lawfully may be paid into the hands of the mayor, bailiff, or other chief officer of such body or bodies politic or corporate; and all such sum or sums of money of any person or persons whatsoever, who by reason of any disability, by nonage, or under any settlement, is or are not capable by law to take and dispose of the several sums which shall be due and payable to them as aforesaid, shall, and lawfully may be paid into the hands of the guardians of such infants, or the trustees under such settlement, for the use of such body or bodies politic or corporate, ecclesiastical and civil, and the respective persons interested therein as aforesaid; which several sums of money so to be paid, shall by such impropiators, appropriators, parsons, vicars, mayors, bailiffs, or other chief officer, of any body politic or corporate, guardians and trustees, be, with all convenient speed, respectively laid out in the purchase of other lands, tenements, or hereditaments, in places most convenient for the parties interested, their heirs and successors; any law, statute, or custom, to the contrary thereof notwithstanding: and the estate or estates, so to be purchased, shall be conveyed and settled to the same uses, intents, and purposes, as the former estates were settled, at such time as they became vested in the trustees appointed by the said recited act; and that, until such purchases can be made, it shall and may be lawful for such impropiator, appropriator, parson, vicar, mayor, bailiff, or other chief officer of such body politic or corporate, guardians and trustees, to place such monies out at interest on parliamentary funds, or other good securities, declaring the trust thereof in the same manner, as the estate or estates, so to be purchased, are to be conveyed and settled; and the interest thereof shall, from time to time, as the same shall grow due, be paid to the several and respective parties who would be respectively intitled to the rents and profits of the estate or estates, so to be purchased, in case the same were purchased,

The money adjudged due to impropiators, &c. to be paid into their hands; that due to bodies politic or corporate, or trustees for their use, to be paid to the mayor or other chief officer; that to infants, &c. to be paid to the guardians or trustees;

and to be laid out in the purchase of other lands, &c.

to be settled to the same uses;

and till such purchases be made, the monies are to be placed out in the publick funds, &c.

and the interest to be paid the respective parties.

CAP. XXXVI.

An act to continue an act made in the fifth year of the reign of his late majesty King George the Second, intituled, An act to prevent the committing of frauds by bankrupts; and for extending the laws, relating to hackney coaches, to the counties of Kent and Essex.

Preamble.

Act 5 Geo. II.
which was
continued by
several sub-
sequent acts,

Further con-
tinued to 29
Sept, 1771.

WHEREAS the law hereafter mentioned hath, by experience, been found useful and beneficial, and is near expiring; may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the fifth year of the reign of his late majesty King George the Second, intituled, *An act to prevent the committing of frauds by bankrupts*, which was to continue in force for three years from the twenty fourth day of *June*, one thousand seven hundred and thirty two, and from thence to the end of the then next session of parliament; and which, by several subsequent acts, made in the ninth and sixteenth years of his said Majesty's reign, was further continued until the twenty ninth day of *September*, one thousand seven hundred and fifty; and which, by another act made in the twenty fourth year of his said Majesty's reign, was amended, and further continued until the first day of *September*, one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament; and which, by another act made in the thirty first year of his said Majesty's reign, was further continued until the twenty ninth day of *September*, one thousand seven hundred and sixty four, and from thence to the end of the then next session of parliament; shall be, and the same is hereby further continued from the expiration thereof, until the twenty ninth day of *September*, one thousand seven hundred and seventy one, and from thence to the end of the then next session of parliament.

II. And whereas by the several laws now in being, for licensing and regulating the owners and drivers of hackney coaches within the cities of *London* and *Westminster*, and the suburbs thereof, and the parishes and places comprized within the weekly bills of mortality, the said drivers are subjected to certain penalties and punishments for exactions or misbehaviour, but the cognizance thereof is, by the said laws, consigned to the commissioners for licensing the said coaches, the aldermen of *London*, and the justices of the peace for the city of *Westminster*, and the counties of *Middlesex* and *Surrey* (into which counties the limits comprized within the said bills of mortality do in part extend;) and whereas the counties of *Essex* and *Kent* lie but at a small distance from the city of *London*, and the said licensed hackney coaches often travel into those counties through a small

part

part of the said county of *Middlesex* or *Surrey*, but the drivers thereof are subject to no jurisdiction of the justices of the peace after they pass the said counties of *Middlesex* or *Surrey*; be it therefore further enacted by the authority aforesaid, That from and after the first day of *May*, one thousand seven hundred and sixty four, every justice or justices of the peace of or for the counties of *Kent* and *Essex* shall have the same power and authority, within his or their respective jurisdiction or jurisdictions, to put the said laws, or any of them, in execution against the drivers of the said licensed hackney coaches, for any offence committed against the said laws, or any of them, to all intents and purposes, as the said commissioners, aldermen, and justices of *London*, *Westminster*, *Middlesex*, and *Surrey*, now have by law, within their respective jurisdictions.

Justices for the counties of *Kent* and *Essex* authorized to put the laws relating to hackney coaches in execution within their respective jurisdictions.

C A P. XXXVII.

An act for the better establishing a manufactory of cambricks and lawns, or goods of the kind usually known under those denominations, now carrying on at Winchelsea, in the county of Sussex; and for improving, regulating, and extending the manufacture of cambricks and lawns, or goods of the kind usually known under those denominations, in that part of Great Britain called England.

WHEREAS the establishing a manufactory of linens in England, of the kind usually known under the denomination of cambricks and French lawns, will be of great utility to this kingdom, as well by the employment of a great number of poor, as by preventing the illegal importation of foreign cambricks and French lawns: and whereas a manufactory of cambricks and lawns hath been already set up at Winchelsea in the county of Sussex, and large quantities of such goods have been made there, and may be made in other parts of this kingdom, equal, if not superior, in quality to those made in foreign parts; and many persons are desirous of subscribing large sums towards the support and extension of the said manufactory (for the effectual carrying on of which a large fund will be necessary) but are apprehensive that difficulties may arise, as well in recovering debts which may grow due to the proprietors of the said manufactory, as in defending suits or actions which may be brought or commenced against them for any matter or thing relative thereto, as, by law, all the several proprietors or subscribers to the said manufactory must, in such cases both sue and be sued, implead and be impleaded, by their several and distinct names and descriptions; and therefore, for the more easily carrying on the manufacture, and avoiding the difficulties aforesaid, are desirous of being incorporated and having a common seal and name by which they may sue and be sued; and many persons are desirous of subscribing large sums thereto, but are deterred from so doing, lest they may thereby become liable, in case the said manufactory should not be successful, to pay large sums of money over and above the sums by them subscribed, to make good the debts to be incurred therefrom; and many persons who are not now liable to become bankrupts, with-
Preventable.

within the intent and meaning of any of the laws now in force concerning bankrupts are likewise fearful of subscribing money to carry on the said manufacture, as, by becoming subscribers to and part owners thereof, they may be liable to have commissions of bankrupt issued against them as traders: and whereas some doubts have arisen, whether such cambricks and lawns, so made and fabricated in England, can, consistent with the laws now in being relating to cambricks and French lawns, be legally sold, disposed of, and used in Great Britain; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and

Any person
may make and
sell cambricks
and lawns in
this kingdom.

for any person or persons whomsoever, to make and vend, or cause to be made and vended, all such linen goods called *Cambricks* or *Lawns*, or goods of the kind usually known by or under either of those denominations, as shall be made in this kingdom, and stamped in the manner herein after directed; and that such lawns or cambricks, or other such like goods so made and stamped, may be exposed to sale, and worn by any person or persons in this kingdom; any law, usage, or custom, to the contrary notwithstanding.

The King may
incorporate
the persons
herein named
(the present
subscribers)

II. And whereas the sole right and prerogative of granting charters of incorporation (not being such as are repugnant to any law or statute of this kingdom) doth belong to your Majesty, be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty, his heirs, and successors, by one charter, indenture, or letters patent, under the great seal of *Great Britain*, to declare and grant, That the right honourable the earl *Verney* in the kingdom of *Ireland*, the right honourable *Charles Townshend*, Sir *George Colebrooke* baronet, Sir *Lawrence Dundas* baronet, *Arnold Nesbitt* esquire, *Peregrine Cust* esquire, *George Prescott* esquire, *Barlow Trecothick* esquire, *Gilbert Heathcote* esquire, *Moses Franks* esquire, master *Edward Bridgen*, master *Benjamin Barnett*, master *William Grace*, master *Thomas Bidwell*, and every other person or persons who shall hereafter, either in their own right, or as executors, administrators, successors, or assigns, in right of any other person or persons, become proprietors of, or interested in, any part or share of the joint capital stock or fund herein after mentioned, shall be one distinct and separate body politick and corporate, in deed and in name, by the name and stile of *The English Linen Company*, or such other name as his Majesty shall think proper; and that such corporation shall have perpetual succession, subject to such power of revocation as to his Majesty shall seem meet; and that such corporation shall have power, from time to time, to chuse ten directors, and all proper officers and servants, for the better management of the affairs of the said corporation, in such manner, and under such restrictions and qualifications, as are herein after directed, or such as shall be prescribed in that behalf in and by such charter; nevertheless the first directors of the said

by the name
of *The Eng-
lish Linen
Company*,
with such
power of re-
vocation as to
his Majesty
shall seem
meet :
They may
chuse direct-
ors, &c.

cor-

corporation shall and may be appointed by his Majesty in and by the same charter; and that the said first directors shall continue in their respective offices from the time of their appointment by his Majesty, until the first *Wednesday in March* next after such appointment; and all subsequent directors shall continue in their respective offices for one year from the time of their respective appointments; and in case of death, removal, or disqualification, be supplied in such manner as herein after is directed; and that the said corporation shall and may have and use a common seal for the business only of the said corporation; and such seal, from time to time, may break, change, make new, or alter, as shall be found most expedient; and that the said corporation shall be able and capable in law, to purchase, take, and enjoy, messuages, lands, tenements, or hereditaments, not exceeding the value of five hundred pounds *per annum*, and to grant, alien, demise, or dispose of, the same, or any part thereof, at their free wills and pleasures; and in their corporate name, shall be able and capable in law, to sue and implead, be sued and impleaded, answer and be answered, in any court of record, or elsewhere, in all causes and actions whatsoever, for, touching or concerning, such corporation, or the manufactory by them carried on as aforesaid.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for such corporation, when constituted, to raise a capital joint stock, to be applied for the carrying on the said manufactory, and effecting the purposes of the said charter, not exceeding one hundred thousand pounds of lawful money of *Great Britain*, at such times, and in such proportions, as at any general court or courts of such corporation, to be holden pursuant to the directions of this act, or of such charter, shall be directed, either by taking subscriptions from particular persons (being or not being members of such corporation) for advancing money for that purpose, according to the orders of such general courts respectively, or by calls of money from the members of the said corporation for the time being, or such other methods as the said general courts shall think expedient for making up the said capital; and that all and every person or persons, by or from whom any subscriptions shall be accepted, or payment made, pursuant to any order or orders of the said general courts, towards raising the said capital stock, their executors, administrators, and assigns, shall be intitled to a share of the said capital stock, in proportion to the money which they shall contribute, and to such interest thereon, and also to such share of the profits and advantages attending the said capital stock, and payable at such times, and in such proportions, as shall be directed and agreed upon by the said corporation at any of their general courts; and such subscriber or subscribers, not being then a member or members of such corporation, upon making their several subscriptions and payments in manner herein-after directed, shall be admitted and are hereby declared to be, members thereof; which

and purchase
lands, &c.
not exceeding
the value of
500l. per annum;

may sue and
be sued;

and may raise
a capital, not
exceeding
100,000l.

Subscribers
intitled to a
share of capital,
in proportion
to their
subscriptions,

and to be
members of
the corporation.

Subscriptions
to be entered,
signed, and
attested.

'subscriptions and all other subscriptions to the said capital stock or fund of the said corporation, shall be distinctly and separately entered in a proper book or books to be provided for that purpose, and signed by the respective person or persons making such subscriptions; and the sums subscribed shall be entered in such book or books, in words at length, and also in figures, together with the day of the month and year on which such subscriptions shall respectively be made; and all and every such subscription and subscriptions shall be made in the presence of, and attested by, one or more witness or witnesses, who shall, by order of the said directors, have the custody of the said book.

The King
may grant
power to en-
large the capi-
tal.

IV. Provided always, and be it enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty, his heirs, and successors, by warrant under his or their sign manual, from time to time, to empower such corporation to enlarge the capital stock of such corporation, from time to time, as the affairs of the said corporation shall require, on the like terms and conditions with the original capital.

Subscribers to
pay a fourth
at the time of
subscribing,

V. And be it further enacted by the authority aforesaid, That all and every person and persons who shall subscribe any sum or sums of money for or towards raising such capital stock as aforesaid, shall answer and pay all such sum and sums of money, which he or they shall so subscribe, unto the directors of the said corporation for the time being, or to the cashier of the said corporation for the time being, or to such other person or persons who shall be authorized to receive the same in manner following; that is to say, one fourth part (the whole in four equal parts being divided) of every such sum so subscribed, shall be paid down at the time of making each subscription; and the remaining three fourth parts thereof at such times, and in such proportions, as any court or courts of directors of the said corporation shall think proper to call for or demand the same; notice of every such call or demand having been first published in the *London Gazette*, ten days at least before the day limited and appointed for the making of any payment, pursuant to any such call or demand: and if any person or persons, who shall have so subscribed as aforesaid, do not pay down one full fourth part of all such sum or sums as he or they shall subscribe, upon or at the time of his or their subscription, then every such subscription, without such payment, shall be utterly void and of none effect; and if any person or persons, who shall have subscribed, as aforesaid, his or their executors, administrators, or assigns, having paid, in manner aforesaid, any part or parts of the sum or sums so by him or them subscribed, shall make default in any of the subsequent payments which shall be called for or demanded, in manner aforesaid, for the space of ten days after the time or times, in such notice or notices, as aforesaid, limited and appointed for the payment of such calls respectively; then, and in every such case, one moiety or half part of the first sum paid by such person or persons, on his or their respective subscription, shall be lost and forfeited to the said corpora-

and the re-
mainder at
such calls as
the directors
shall appoint.

10 days notice
of every call
to be published
in the *London*
Gazette.

On neglect of
first payment,
subscription to
be void;

and on neglect
of subsequent
payments, one
half of the first
to be forfeited,
&c.

tion; and the share or interest of all and every such person or persons so making default of and in the capital stock of the said corporation, and the interest and profits which he or they would otherwise have been intitled to receive therefrom, shall be reduced, lessened, or proportioned, according to the money actually paid upon every such subscription respectively, after an abatement or deduction of one moiety or half part of the first payment to be forfeited as aforesaid.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty, in and by such charter, to empower the court of directors of the said company or corporation for the time being, and such court of directors shall and may, from time to time, fix upon and appoint a proper place or house in or near the cities of *London* or *Westminster*, for the transacting the affairs and business of the said company; and that the directors in the said charter named, and their successors, or any five or more of them, shall be and be called a court of directors, and have full power and authority to act as such; and that it shall and may be lawful to and for the said court of directors to meet as often as they shall think necessary or proper; and they are hereby authorized and empowered to nominate and appoint such officers and servants, or other persons, as shall be any ways necessary to be employed in the management and carrying on the affairs of the said company, and from time to time to dismiss such officers and servants from their employ, and nominate and appoint new ones in their stead or steads, or to encrease or lessen their number, as such court of directors shall from time to time think proper, and to give such orders and directions for the management of the affairs of the said corporation as they shall think proper, and are consistent with the general rules and orders made by the said corporation; and to take, from time to time, any number of apprentices to be employed in the manufactory carried on by the said company, upon such terms and conditions, and for such number of years, as to them shall seem meet; and to affix the common seal of the said corporation to a counter-part of the articles of agreement, or indentures of apprenticeship, made with such apprentices respectively, their parents, guardians or other persons authorized to put out and bind such apprentices respectively.

Directors to appoint a house in or near *London* or *Westminster* to transact their business.

Directors to be a court, and nominate all officers and servants;

and to take apprentices.

VII. And be it further enacted by the authority aforesaid, That there shall be one general annual court of the said corporation, held on the first *Wednesday* in *March* in every year, and as many other general courts as shall be necessary; which said general courts shall be held at any house or place in the cities of *London* or *Westminster*, which shall be appointed by the said court of directors; of which said general court, or any other general courts to be called by any court of directors of the said company, and which general courts such directors are hereby authorized to hold and call as often as such court of directors shall think the same necessary, ten days notice at the

A general annual court to be held the first *Wednesday* in *March*, for electing directors.

least shall be given in the *London Gazette*; and that the said general court, held on the first *Wednesday* in *March* yearly, shall be chosen out of and from the members of the said corporation, by the majority of votes of all the members then present.

Qualifications
of directors,

VIII. And be it further enacted by the authority aforesaid, That no person shall be capable of being elected into or exercising the office of a director of the said corporation but under the qualification following (that is to say) that the directors of the said corporation shall severally be possessed of a share or interest in the said stock in their own right respectively, not less than five hundred pounds capital; and that the directors shall not continue in their respective offices any longer than they shall respectively continue to be possessed of the said share and interest in the said capital stock, in his or their own name and right respectively; and that no person shall be qualified to vote at any general court, who shall not then be possessed of a share or interest in the said capital stock, to the amount of two hundred pounds at the least in his own right; and that such person who in his own right shall be possessed of five hundred pounds capital stock, shall have two votes at such general court; and that such person who shall be possessed in his own right of one thousand pounds capital stock, shall have three votes at such general court; but no person shall have more than three votes upon any account whatsoever; and if such share or interest of any proprietor in the said capital stock shall be at any time afterwards diminished from the proportion herein before ascertained, that then the same shall be no longer a qualification for voting at any general court.

and voters, and
the number of
votes they may
have.

Members vot-
ing, to swear
to their quali-
fications, if
required.

IX. And be it further enacted by the authority aforesaid, That all proprietors shall (if required) before they vote at any court, take an oath in the form which shall be approved of by a general court, to be administered to them by one of the directors (who are hereby authorized and empowered to administer the same, or to direct such oath to be administered by any other person or persons in his or their presence) declaring their property, share, or interest in the capital stock of the said corporation, and the *Quantum* thereof, and that the same, or any part thereof, is not in trust for any other person or persons, and that no person shall be admitted to vote at any such court who shall refuse to take such oath; and all officers and servants of the said corporation shall, if required by the court of directors, before they enter on their respective offices, likewise take an oath in the form which for that purpose shall be approved by a general court of the said corporation, to be administered by the directors of the said corporation, or any one of them, for the due and faithful discharge of their respective offices; which oath such directors, or any one of them, are hereby authorized and empowered to administer, or direct the same to be administered by any other person or persons in his or their presence; and in case any such officer or servant shall refuse or neglect to take such oath for the space of ten days after he or they shall be chosen or

Officers, &c.
to be sworn
according to
the form ap-
proved by a
general court;

refusing or
neglecting to
take such oath
for 10 days,
election void.

ap-

appointed to any such office or offices as aforesaid, if required, such choice or appointment shall be void, and a new election or appointment made.

X. And be it further enacted by the authority aforesaid, That the court of directors of the said corporation for the time being shall be obliged, upon demand made to them by any ten or more members of the said corporation, who shall in the whole, or together, be possessed of not less than five thousand pounds in the capital or joint stock of the said corporation, such demand being made in writing, and signed by the members demanding the same, and delivered at a court of directors to any one member of such court then present, to call a general court; and upon such court of directors refusing, or, for the space of ten days, neglecting so to do, the members demanding such court shall be at liberty to call and hold such general court, upon the like notice as should have been given by the said court of directors; and any general court, either called by the court of directors of the said corporation, or by any of the members or proprietors of the said corporation, in manner aforesaid, shall have full power and authority, and are hereby fully authorized and empowered, to remove or displace any director, for misbehaviour, breach of trust, or other just cause, and to elect a new director or directors in his or their stead, in the same manner as if he or they was or were dead, or had disqualified himself or themselves, or his or their office, trust, or employ, was in any other manner become void.

General courts to be called on demand of certain subscribers;

on refusal, they may call such court themselves.

General court may displace directors.

XI. And be it further enacted by the authority aforesaid, That no member or members of the said corporation, or any person or persons having the conduct or direction of the said manufactory, his or their heirs, executors, or administrators, lands or hereditaments, goods, chattels, or effects, other than his or their share or shares in the capital stock and effects of the said corporation, shall be liable or subject to the payment of any debt or debts contracted by or on account of the said corporation, or the manufactory carried on by the said corporation, in any other manner than is herein after directed and provided.

No member liable to any debt of the corporation, further than his share in the capital.

XII. Provided always, and be it enacted by the authority aforesaid, That if the sum total of all the debts which the said corporation shall owe at any one time to any person or persons, bodies politick or corporate, shall exceed the value of the principal or capital stock and effects of the said company or corporation, which at such time shall be and remain to the said corporation undivided; or if the said corporation, by any dividend or dividends whatsoever, either in the name of interest, or otherwise, to be made amongst themselves, or in their private or personal capacities, shall reduce or lessen their joint stock, principal or capital, so that the value of their joint stock, principal, or capital shall not be sufficient to answer their just debts then remaining unpaid; in every such case the particular members of the said corporation, and every of them respectively, who in their private or personal capacities shall receive any share or dividend

If the corporate debts shall exceed the value of the capital undivided,

or if they reduce their capital, so that their stock shall not be sufficient to pay their debts;

Persons receiving any dividend by which the ca-

pital shall be reduced, are to be personally liable to make good such deficiency, so far as the dividends they shall have received shall extend.

Members not liable to bankruptcy,

nor the effects of the company, or any member's share, liable to foreign attachment.

Shares to be assignable; but not till seven years from the constitution of the corporation, unless in case of death or bankruptcy.

Members shares, &c. to be personal estates.

vidend of the capital or stock of the said corporation, by which the capital stock of the said corporation, shall be so reduced or lessened, shall be severally liable, and they are hereby made liable, so far as their respective shares so by them respectively received upon such dividend or dividends shall extend, to pay and satisfy the debts which shall remain due and unpaid by the said company or corporation; and the person or persons, bodies politic or corporate, to whom such debts shall be due and owing, shall and may sue for and recover the same; any thing in this act contained to the contrary thereof in any wise notwithstanding.

XIII. And be it further enacted by the authority aforesaid, That no person being or becoming a member of, or subscriber to, the said corporation, for carrying on the said manufacture in pursuance of this act, shall, by means of becoming a member of, or subscriber to, or in respect of his share or interest in the capital stock of the said corporation, be, or be adjudged liable to be, a bankrupt, within the intent or meaning of all or any of the statutes made against or concerning bankrupts; nor shall the capital stock or effects of the said corporation, or the share or interest of any particular member therein, be liable to any foreign attachment whatsoever; any law, usage, or custom, to the contrary notwithstanding.

XIV. And be it further enacted by the authority aforesaid, That the particular share of every member in the capital stock or fund of the said corporation; and all lands, tenements, hereditaments, and estates whatsoever, held by or in trust for them or their successors shall, from time to time, be assignable, transferrable, and devisable; but no member or members of the said corporation shall be at liberty to sell or assign his or their share or interest therein, till after the expiration of seven years, from the time of the constitution of the said corporation; but if such member or members shall die or become bankrupt, then the share and interest of such member or members so dying or becoming bankrupt, of and in the capital stock of the said corporation, shall and may be assigned and transferred by his or their executors or administrators, assignee or assignees, at any time within the said term of seven years, in like manner as the same might have been done had the said term of seven years been fully expired; and all the right, title, interest, claim, and demand, of each and every particular member of the said corporation, in or to the capital stock and effects whatsoever of the said corporation, and the gains and increase thereof, shall be, and be adjudged, taken, and accepted, in construction of law, by all judges, and in all courts of law and justice, and in all places whatsoever, to be a personal and not a real estate, and shall go to the executors or administrators, or other legal representatives intitled to the personal estate of the person or persons dying possessed thereof, or intitled thereunto, and not to the heirs of such person or persons; any law, statute, usage, or custom whatsoever, to the contrary notwithstanding.

XV. And

XV. And be it further enacted by the authority aforesaid, That if any person or persons shall forge or counterfeit the common seal of the said corporation, to be established in pursuance of this act, or shall forge, counterfeit, or alter, any deed, bill, bond, or obligation, under the common seal of the said corporation, or shall offer to dispose of, or pay away any such forged, counterfeited, or altered bill, bond, or obligation, knowing the same to be such, or shall demand any money therein mentioned or pretended to be due thereon, or on any part thereof, of and from the said corporation, or any members, officers, or servants thereof, knowing such bill, bond, or obligation, to be forged, counterfeited, or altered, with intent to defraud the said corporation, or their successors, or any other person or persons whomsoever; every person so offending, and being convicted thereof in due form of law, shall be judged guilty of felony, and shall suffer as in cases of felony, without benefit of clergy.

Forging the seal, &c. of the corporation, felony.

XVI. And be it further enacted by the authority aforesaid, That if any person or persons shall by day or night break into any house, shop, cellar, vault, or other place or building, or by force enter into any house, shop, cellar, vault, or other place or building, with intent to steal, cut, or destroy, any linen yarn, or any linen cloth, or any manufacture of linen yarn belonging to any manufactory, or the looms, tools, or implements used therein; or shall wilfully or maliciously cut in pieces or destroy any such goods, either when exposed to bleach or dry; every such offender, being thereof lawfully convicted, shall be judged guilty of felony, and shall suffer as in cases of felony, without benefit of clergy.

Breaking into a shop, &c. with intent to steal or destroy, &c. any material or implements declared to be felony.

XVII. And be it further enacted by the authority aforesaid, That all cambricks and lawns, or goods of the kind usually known under either of those denominations, which from and after the tenth day of *May*, now next ensuing, shall be wove or fabricated in *England*, or the principality of *Wales*, shall be marked or sealed at each end of every piece with such mark or seal, and by such officer or officers, as the commissioners of excise in *England* shall direct or appoint for that purpose.

Cambricks and lawns made in *England* after 10 day of *May*, 1764, to be sealed at both ends.

XVIII. And, for the greater ease and convenience of the person or persons, who shall make, weave, or fabricate any such cambricks or lawns, or goods of the kind usually known by or under either of those denominations; be it enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners of excise for the time being, or the major part of them, from time to time, upon request made to them by any such person or persons, and at the expence of such person or persons, to provide such seal or marks as to them the said commissioners, or the major part of them, shall seem proper; and to direct or appoint one or more supervisor, or other officer or officers of the excise, of the district or division in which any such manufacture shall be carried on, to seal or mark each and every piece of such cambric or lawn, or goods of the kind

Commissioners of excise upon request, to provide seals, and appoint officers to mark the goods;

who are to be paid for marking, &c. such goods before taken out of the loom.

Manufacturer to give notice to officer of the finishing of every piece, who is to mark the ends before taken out of the loom.

Penalty on taking any piece out of the loom without giving such notice, and having the ends marked, 5l. and loss of the goods.

Officer, on notice of the finishing any pieces of such goods, forthwith to mark the beginnings and ends, and set a number on each piece before taken out of the loom;

and to make a true entry of the numbers, lengths,

usually known under either of those denominations, which shall be made, wove, or fabricated, by such person or persons applying as aforesaid, with such seal or mark, or seals or marks, in manner herein after mentioned and directed; and the officer or officers of excise who shall be so appointed to mark or seal such goods, shall by the fabricator, maker, weaver, or proprietor of such goods, be paid for every piece of such goods, which he or they shall mark or seal in pursuance of this act, before the same shall be cut or taken out of the loom, such sum as the commissioners of excise for the time being, or the major part of them, shall direct and appoint.

XIX. And be it further enacted by the authority aforesaid, That all and every person and persons who shall weave, fabricate, or make any such cambricks or lawns, or goods of the kind usually known by or under either of those denominations, shall, before the same shall be taken or cut out of the loom, give notice in writing, of the finishing of every or any piece or pieces of such goods, to such supervisor or other officer as aforesaid, who, before any such piece of goods shall be cut out of the loom, shall mark or seal both the ends of every such piece of goods, with such stamp, mark, or seal, which shall be provided and appointed for that purpose, in manner aforesaid, upon pain that every person who shall weave, make, or fabricate such cambricks or lawns, or goods of the kind usually known by or under those denominations, and shall cut or take any piece of such goods out of the loom, after the same shall have been finished, or permit the same to be done without having first given such notice in writing, and having the ends thereof marked or sealed as aforesaid, shall, for every such offence, forfeit five pounds; and the goods so cut out of the loom without such notice being given, and such marks or seals being set thereon, in manner herein before directed, shall be forfeited, and shall and may be seized by any officer or officers of the customs or excise.

XX. And be it further enacted by the authority aforesaid, That every supervisor or other officer of excise, of the district in which any such manufacture of cambricks or lawns, or goods of the kind usually known by or under either of those denominations, shall be carried on, who shall be so as aforesaid appointed by the commissioners of excise, or the major part of them, to mark or seal such goods, upon reasonable notice given to him or them by any person or persons who shall make, weave, or fabricate any such goods, that any piece of such goods is finished, shall forthwith, or as soon as conveniently may be consistent with other the duty and business of his office, in manner herein before directed, mark or seal both ends of every such piece of goods with such mark or seal which shall be so as aforesaid appointed and provided for that purpose, and also fix or set a distinct and separate number to every piece of such goods before the same shall be taken out of the loom; and also make a just and true entry in writing, in proper books to be provided for that purpose at the expense of the manufacturer of such goods,

of

of the number set to each piece of such goods, and of the number of yards which each piece of such goods shall contain in length, and also of the number of threads contained in the warp of each piece of such goods, upon pain that every supervisor, or other officer or officers so appointed as aforesaid, who shall, upon reasonable notice given as aforesaid of the finishing of any piece of such goods, neglect or refuse to mark or seal the beginning and end of every piece of such goods in manner herein before directed, or to fix or set a distinct and separate number on each piece of such goods, or to make a true and just entry in manner aforesaid, of the number set or affixed to each piece of such goods, and of the number of yards which each piece thereof shall contain in length, and also the number of threads contained in the warp of each piece of such goods, shall, for every such refusal or neglect, forfeit the sum of ten pounds.

XXI. And be it further enacted by the authority aforesaid, That if any such supervisor, or other officer or officers of the excise, who shall be so appointed to mark or seal such cambricks or lawns, or who shall have the custody of any mark or seal which shall be so provided and appointed to mark or seal such goods, shall therewith mark or seal any cambricks or lawns, or goods of the kind usually known by or under either of those denominations, which shall not have been made, wove, and fabricated in *England*, or the principality of *Wales*, or shall knowingly permit it to be done, or shall mark or seal any piece of such goods after the same shall have been taken out of the loom, every such supervisor, or other officer or officers so marking or sealing any such cambricks or lawns, or goods of the kind usually known under either of those denominations, or wilfully or knowingly permitting the same to be done, contrary to the true intent and meaning of this act, shall forfeit the sum of fifty pounds for every piece of such goods which he or they shall so mark or seal, or permit or suffer to be marked or sealed, contrary to the true intent and meaning of this act, to be sued for and recovered in any of his Majesty's courts of record at *Westminster*, by bill, plaint, or information, by any person or persons who will inform or sue for the same; and such supervisor, or other officer or officers, upon being convicted of any or either of the offences aforesaid, shall lose his or their office or offices and employments under the excise, and is and are hereby declared and rendered ever after incapable of having, using, or enjoying any office or place of trust under his Majesty, his heirs and successors.

XXII. And be it further enacted by the authority aforesaid, That if any person or persons shall, by bribery, fraud, covin, deceit, or imposition, or in any manner whatsoever prevail on or procure any officer or officers of the excise, or other person who shall be appointed to mark or seal any cambricks or lawns, or who shall have the custody of any seal; stamp, or mark, provided and appointed for that purpose, in pursuance of this act, to set or affix such mark, seal, or stamp, to any piece or pieces

and the number of threads in the warp of each piece on forfeiture of 10l.

Officers marking cambricks or lawns not made in England,

or marking such goods after taken out of the loom, to forfeit 50l. and be incapacitated.

Penalty on persons bribing officers.

of cambrick or lawn, or of goods of the kind usually known under either of those denominations, which shall not have been actually and *bona fide* made, wove, or fabricated, in that part of *Great Britain* called *England*, or principality of *Wales*, or after the same shall have been cut or taken out of the loom, contrary to the true intent and meaning of this act; all and every such offender and offenders, and his and their aiders, abettors, and assistants (being thereof lawfully convicted) shall, for every such offence, forfeit and lose the sum of one hundred pounds, and be adjudged to stand in the pillory two hours; and if any person or persons shall give, pay, or secure, or offer to give, pay, or secure, to any such officer or officers, or other person as aforesaid, any bribe, recompence, or reward, of any kind whatsoever, in order to corrupt, persuade, or prevail on such officer or officers, or other person, to set or affix such mark, stamp, or seal, as aforesaid, to any piece or pieces of cambrick, lawn, or other goods directed by this act to be stamped or sealed, which shall not have been actually and *bona fide* made, wove, and fabricated, in that part of *Great Britain* called *England*, or the principality of *Wales*, or after the same shall have been taken out of the loom, such person or persons so offending shall, for every such offence, forfeit and lose the sum of fifty pounds.

Officers to transmit to the commissioners of excise an annual account of all goods they shall stamp, and a copy of all entries relating thereto.

XXIII. And be it further enacted by the authority aforesaid, That all and every supervisor or other officer or officers of excise, who shall in manner aforesaid be appointed to mark or seal any cambricks, lawns, or such kind of goods, in pursuance of this act, shall yearly and every year (while such officer or officers shall have the custody of any such seal provided or appointed for that purpose in manner aforesaid) in the month of *June*, transmit and send to the commissioners of excise in *London*, a full, true, and just account in writing of all and every piece and pieces of such goods, which he or they shall seal or stamp in pursuance of this act; and also a true copy of all and every entry or entries of any kind whatsoever, which he or they shall make in any such book or books provided for that purpose, in any wise relating thereto, for or during the twelve calendar months next preceding the said month of *June*; distinguishing in such accounts the several manufacturers or proprietors, if there shall be more than one such in such officer's district, who shall have made or be owners of such goods, upon pain of being dismissed from his or their employ as an officer or officers of excise; and all and every such officer or officers having the custody of any such stamp, mark, or seal as aforesaid, his or their executors or administrators, or such other person or persons in whose custody or power the same shall fall or come by the death of such officer or officers, or in any other manner shall, upon demand or order from or by the commissioners of excise, or the major part of them, deliver up to such commissioners, or such person or persons as they shall appoint to receive the same, all and every such seal or seals which shall have been delivered to such officer or officers, or by any other means come

Officers, &c. to deliver up seals, &c. to commissioners of excise, on

come or fallen into the hands, custody or power of such officer or officers, or other persons whatsoever; upon pain that any such officer or officers, or other person or persons, refusing or neglecting so to do upon any such order or demand as aforesaid, shall forfeit and lose the sum of two hundred pounds, to be recovered and applied in like manner with the other penalties inflicted by this act, by any person or persons who will inform or sue for the same.

XXIV. And be it further enacted by the authority aforesaid, That if any cambrick or lawn, or goods of the kind usually known by or under either of those denominations, made, wove, or fabricated, in *England*, or the principality of *Wales*, after the said tenth day of *May* next ensuing, shall be found in any house, shop, warehouse, room, cellar, vault, or other place, in *England*, or principality of *Wales*, without being marked or sealed at each end of every whole and entire piece, and at one end of every remnant of such cambricks or lawns, or goods of the kind usually known by or under those denominations, all such goods shall be forfeited, and shall and may be seized by any supervisor or other officer or officers of the customs or excise, and such supervisor or other officer or officers is and are hereby indemnified for seizing such goods; and all such goods so seized shall and may be deposited in the customhouse warehouse, or in the excise office next to the place where the same shall be seized, and, after condemnation thereof by due course of law, shall be publickly sold to the best bidder; and that one moiety of the produce arising by the sale thereof, after deducting the charges and expences attending the condemnation and sale of such goods, shall be to the use of his Majesty, his heirs, and successors, and the other moiety thereof to such supervisor or other officer or officers as aforesaid, who shall seize or sue for the same; and all and every person or persons who shall sell or expose to sale, or have in his or their custody for that purpose, any cambricks or lawns, or goods of the kind usually known by or under either of those denominations, made and fabricated in *England*, or the principality of *Wales*, and not marked or sealed at both ends of every entire piece, and at one end of every remnant of such goods, in manner by this act directed, shall, for every such offence, forfeit the sum of two hundred pounds, to be recovered and divided in manner herein after directed.

XXV. And be it further enacted by the authority aforesaid, That no cambricks or lawns, or goods of the kind usually known by or under either of those denominations, which after the said tenth day of *May*, one thousand seven hundred and sixty four, shall be seized and condemned by virtue of this act, shall be consumed or worn in this kingdom, but shall be exported, and not sold otherwise than on condition to be exported, and shall not be delivered out of the warehouse where the same shall have been secured, until sufficient security by bond, to be approved of by the collector of the port from whence such goods shall be exported, in the penalty of double the value of the goods

Cambricks and lawns made in *England* after 10 May, 1764, found unstamped, may be seized.

Persons exposing to sale, or having in their custody for sale, such goods unstamped, to forfeit 200l.

demand, on a penalty of 200l.

Goods condemned by virtue of this act, not to be worn here, but sold for exportation, and the buyers to give security.

known by or under either of those denominations, shall be seized by virtue or in pursuance of this or any other act now in force; or if any action shall be brought by the owner or claimer of such goods, against any officer of the customs or excise, or any other person, for any thing done in pursuance of this or any other act now in force, and any doubt or question shall arise where such goods were manufactured, the proof thereof shall lie upon the owner or claimer of such goods, and not on the person who seized the same, or against whom such action shall be brought; any law, usage, or custom, to the contrary notwithstanding.

Act not to extend to Scotland or Ireland.

XXXII. Provided always, and be it enacted, That nothing in this act contained shall be extended, or construed, deemed, or taken, to prevent the sale of, or lay any kind of restriction on, any linen goods whatsoever, really and *bona fide* made, wove, or fabricated in *Scotland* or *Ireland*; but that all such goods shall and may be lawfully sold and used in *England*, in the same manner as if this act had not been made.

Publick act.

XXXIII. And be it further enacted by the authority aforesaid, That this act shall be adjudged, deemed, and taken to be, a public act, and be judicially taken notice of as such, by all judges, justices, and other persons whatsoever, without specially pleading the same.

C A P. XXXVIII.

An act for allowing further time for inrollments of deeds and wills made by papists; and for relief of protestant purchasers.

Preamble, reciting the acts
3 Geo. I.

WHEREAS by a clause in an act of parliament passed in the third year of the reign of his late majesty King George the First, intituled, An act for explaining an act passed in the last session of parliament, intituled, *An act to oblige papists to register their names and real estates, and for enlarging the time for such registering; and for securing purchases made by protestants; it was enacted, That from and after the twenty ninth day of September, in the year of our Lord one thousand seven hundred and seventeen, no manors, lands, tenements, hereditaments or any interest therein, or rent or profit thereout, should pass, alter, or change, from any papist, or person professing the popish religion, by any deed or will, except such deed, within six months after the date, and such will, within six months after the death of the testator, should be inrolled in one of the King's courts of record at Westminster, or else within the same county or counties wherein the manors, lands, and tenements, lie, in such manner as therein for that purpose is particularly directed: and whereas by several acts of parliament made in the tenth year of his said late Majesty's reign, and in the third, sixth, ninth, eleventh, twelfth, sixteenth, and nineteenth years of the reign of his late majesty King George the Second, it was enacted, That every deed and will which had been then made since the twenty ninth day of September, one thousand seven hundred and seventeen, in order to pass,*

alter,

10 Geo. II.
& 3, 6, 9, 11,
12, 16, & 19
Geo. II.

alter, or change, any manors, lands, tenements, or hereditaments, or any interest therein, or rent or profit thereout, from any papist or person professing the popish religion, though not then inrolled, should be as good and effectual in the law, as the same would have been in case the said deeds and wills had been inrolled within the time limited, by the said clause in the said first-mentioned act, for inrollment thereof, provided the said deeds and wills should be inrolled on or before the respective times in the said several acts respectively mentioned, in such manner as by the said first-mentioned act was directed: and whereas by another act made in the twenty sixth year of the reign of his late majesty King George the Second, it was enacted, That every deed and will made since the first day of December, one thousand seven hundred and forty six, in order to pass, alter, or change, any manors, lands, tenements, or hereditaments, or any interest therein, or any rent or profit thereout, from any papist or person professing the popish religion, to any protestant or protestants, or by or by reason of which deed or will any protestant or protestants may claim or derive any legal, equitable, or other interest whatsoever, to his, her, or their use, for his, her, or their benefit, or to the use or benefit of any other protestant or protestants, though not inrolled, or not inrolled in due time, should be as good and effectual in the law, as the same would have been in case the said deeds and wills had been inrolled within the times limited by the said clauses in the said acts for the inrollment thereof, provided the same deeds and wills should be inrolled on or before the first day of January, one thousand seven hundred and sixty four, in such manner as by the said clause in the said first-mentioned act is directed: and whereas by an act made in the twenty eighth year of the reign of his late majesty King George the Second, it was enacted, That every deed and will made since the twenty ninth day of September, one thousand seven hundred and seventeen, in order to pass, alter, or change, any manors, lands, tenements, or hereditaments, or any interest therein, or any rent or profit thereout, from any papist or person professing the popish religion, to any protestant or protestants, or by or by reason of which deed or will, any protestant or protestants may claim or derive any legal, equitable, or other interest whatsoever, to his, her, or their use, for his, her, or their benefit, or to the use or benefit of any other protestant or protestants, though not inrolled in due time, should be as good and effectual in the law, as the same would have been in case the said deeds and wills had been inrolled within the times limited by the said clauses in the said acts for the inrollment thereof, provided the same deeds and wills should be inrolled on or before the first day of January, one thousand seven hundred and fifty six, in such manner as by the said clause in the said first-mentioned act is directed: and whereas by an act made in the thirty first year of the reign of his late majesty King George the Second, it was enacted, That every deed and will made since the twenty ninth day of September, one thousand seven hundred and seventeen, in order to pass, alter, or change, any manors, lands, tenements, or hereditaments, or any interest therein, or any rent or profits thereout, from any papist or person professing the popish religion, to any protestant or protestants, or by or by reason of which deed or will any

26 Geo. II.

28 Geo. II.

31 Geo. II.

pro-

33 Geo. II.

& 3 Geo. III.

Further time
given for in-
rolling deeds
and wills of
papists, till 1
Jan. 1765.

protestant or protestants may claim or derive any legal, equitable, or other interest whatsoever, to his, her, or their use, for his, her, or their benefit, or to the use or benefit of any other protestant or protestants, though not inrolled, or not inrolled in due time, should be as good and effectual in the law, as the same would have been in case the said deeds and wills had been inrolled within the times limited by the said clauses in the said acts for the inrollment thereof, provided the said deeds and wills should be inrolled on or before the first day of January, one thousand seven hundred and fifty nine, in such manner as by the said clause in the said first-mentioned act is directed: and whereas by an act passed in the thirty third year of his said late Majesty's reign, it was enacted, That every deed and will made since the twenty ninth day of September, one thousand seven hundred and seventeen, in order to pass, alter, or change, any manors, lands, tenements, or hereditaments, or any interest therein, or any rent or profit thereout, from any papist or person professing the popish religion, to any protestant or protestants, or by or by reason of which deed or will any protestant or protestants may claim or derive any legal, equitable, or other interest whatsoever, to his, her, or their use, for his, her, or their benefit, or to the use or benefit of any other protestant or protestants, though not inrolled, or not inrolled in due time, shall be as good and effectual in the law, as the same would have been in case the said deeds and wills had been inrolled within the times limited by the said clauses in the said acts for the inrollment thereof, provided the same deeds and wills should be inrolled on or before the twenty fifth day of December, one thousand seven hundred and sixty, in such manner as by the said clause in the said first-mentioned act is directed: and whereas by an act made in the second year of his present Majesty's reign, it was enacted, That every deed and will made since the twenty ninth day of September, one thousand seven hundred and seventeen, in order to pass, alter, or change, any manors, lands, tenements, or hereditaments, or any interest therein, or any rent or profit thereout, from any papist or person professing the popish religion, to any protestant or protestants, or by or by reason of which deed or will, any protestant or protestants, may claim or derive any legal, equitable, or other interest whatsoever, to his, her, or their use, for his, her, or their benefit, or to the use or benefit of any other protestant or protestants, though not inrolled, or not inrolled in due time, shall be as good and effectual in the law, as the same would have been in case the said deeds and wills had been inrolled within the times limited by the said clauses in the said acts for the inrollment thereof, provided the same deeds and wills should be inrolled on or before the twenty fifth day of December, one thousand seven hundred and sixty two, in such manner as by the said clause in the said first-mentioned act is directed; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That every deed and will made since the twenty ninth day of September, one thousand seven hundred and seventeen, in order to pass, alter, or change, any manors, lands, tenements, or hereditaments, or any interest therein, or any rent

or profit thereout, from any papist or person professing the popish religion, to any protestant or protestants, or by reason of which deed or will, any protestant or protestants may claim or derive any legal, equitable, or other interest whatsoever, to his; her, or their use, for his, her, or their benefit of any other protestant or protestants, though not inrolled, or not inrolled in due time, shall be as good and effectual in the law, as the same would have been in case the said deeds and wills had been inrolled within the times limited by the said clauses in the said acts for the inrollment thereof, provided the same deeds and wills shall be inrolled on or before the first day of *January*, one thousand seven hundred and sixty five, in such manner as by the said clause in the said first mentioned act is directed.

II. Provided always, That nothing herein contained shall extend, or be construed to extend, to make good any such deed, will, or lease, already made and not inrolled, of the want of inrollment whereof advantage shall have been taken on or before the first day of *January*, one thousand seven hundred and sixty four, but every such deed, will, or lease, shall remain of such force and effect only, as the same would have had if this act had never been made, and of none other force and effect.

III. And whereas many purchases made by protestants, may be in danger of being impeached or called in question, in regard that some deeds or wills, through which the title thereto is derived, ought to have been inrolled according to the said acts, but have not been so inrolled; be it therefore further enacted by the authority aforesaid, That no purchase made for full and valuable consideration of any manors, messuages, lands, tenements, or hereditaments, or of any interest therein, by any protestant or protestants, and merely and only for the benefit of the protestants, shall be impeached or avoided, for or by reason that any deed or will through which the title thereto is derived, hath not been inrolled as required by the said acts, so as no advantage was taken of inrollment thereof, before such purchase was made, and so as no decree or judgment have been obtained for want of the inrollment of such deeds or wills.

IV. Provided also, That nothing herein contained shall extend, or be construed to extend, to make good any grant, lease, or mortgage, of the advowson, or right of presentation, collation, nomination, or donation, of and to any benefice, prebend, or ecclesiastical living, school, hospital, or donative, or any avoidance thereof, made by any papist or person professing the popish religion, in trust; directly or indirectly, mediately or immediately, by or for any such papist or person professing the popish religion, whether such trust hath been declared by writing or not.

No deed, will, or lease, made good hereby, whereof advantage has been taken of the non-inrollment thereof, before
1 Jan. 1764.

Purchases made by protestants shall stand good, if no advantage has been taken for non-inrollment.

No grant, lease, or mortgage of the advowson, or right of presentation to a living, &c. made by any papist in trust, &c. to be hereby deemed good.

C A P. XXXIX.

An act to explain, amend, and render more effectual, two several acts of parliament, made in the second and third years of his present Majesty, for paving, cleansing, and lighting, the squares, streets, and lanes, within the city and liberty of Westminster, and other places therein mentioned, and for preventing annoyances therein; and for other purposes therein mentioned.

Preamble.

WHEREAS an act was made in the second year of the reign of his present Majesty, intituled, An act for paving, cleansing, and lighting, the squares, streets, and lanes, within the city and liberty of Westminster, the parishes of Saint Giles in the Fields, Saint George the Martyr, Saint George Bloomsbury, that part of the parish of Saint Andrew's Holbourn which lies in the county of Middlesex, the several liberties of the Rolls and Savoy, and that part of the dutchy of Lancaster which lies in the county of Middlesex, and for preventing annoyances therein; and for other purposes therein mentioned: and whereas another act was made in the last session of parliament, to explain, amend, and render more effectual, the last mentioned act: and whereas the commissioners for putting the said two several acts in execution, have made some further progress in the trusts thereby reposed in them, but find that both the said acts are defective with respect to some of the powers thereby given; nor can the said acts be effectually put in execution, so as to answer the good purposes thereby intended, unless some new powers are granted, and the said acts, in other respects, amended, and made more effectual; may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if at any time or times, from and after the passing of this act, it shall happen, that there shall not appear at any meeting which shall be appointed to be had or held by the said commissioners, a sufficient number of commissioners, as provided for by the said recited acts, to act at such meeting, and to adjourn to another day, that then, in such case, it shall and may be lawful to and for the clerk to the said commissioners for the time being, and he is hereby required to summon the said commissioners to meet at the place where the last meeting was appointed to be held, within six days next after the day on which such last meeting was appointed to be held; such summons to be in writing, and signed by the clerk, and to be delivered at the usual or last place of abode of the said commissioners, at least four days before such next meeting; and in case the said clerk shall happen to die before such summons issued, or shall neglect to issue such summons in manner aforesaid, then the treasurer to the said commissioners for the time being shall and may, and he is hereby required to issue such summons in manner aforesaid.

Where a sufficient number of commissioners shall not meet to act and adjourn,

Clerk is to summon another meeting; and the summons is to be delivered 4 days before, at the commissioners's houses.
Clerk dying, or neglecting, the treasurer is to summon such meeting.

II. And

II. And be it further enacted by the authority aforesaid, That all and every the powers, authorities, directions, provisions, regulations, clauses, matters, and things whatsoever, contained in the said recited former acts, and this act, or either of them, shall extend to all places, not thoroughfares, within the said parishes, precincts, and places, comprized in the said former acts, in such and the same manner as they already extend, or are hereby intended to extend, to places which are thoroughfares, as effectually, to all intents and purposes, as if the respective powers, authorities, directions, provisions, regulations, clauses, matters, and things, in the said acts, or either of them, contained, were herein repeated and specially enacted.

III. And whereas by the said act of the second year of his present Majesty, the commissioners for putting the said act in execution, are directed to cause the works done, under the authority of the said act, to be inspected by their surveyor or surveyors, or other person or persons appointed by them for that purpose, who are to report to the commissioners, in case the said works shall not be performed according to the true sense of the contract or contracts entered into for that purpose, before the said commissioners can cause the person or persons, so contracting, to be sued for nonperformance of their contract, which method has been found inconvenient; wherefore, be it further enacted by the authority aforesaid, That so much of the said act as requires and directs a report to be made by the surveyor or surveyors, or other person or persons appointed by the commissioners for that purpose, before any action shall be brought against any person so contracting, shall be, and the same is hereby declared to be repealed.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the receiver or receivers of the rates, or assessments appointed or to be appointed by the said commissioners, or any or either of such receiver or receivers, or for any other person or persons authorized by the said commissioners, or any three or more of them, at all convenient times (first having an order under the hands of the said commissioners, or any three or more of them, for that purpose, to inspect the books or rates made for raising money for the relief and maintenance of the poor of all or any of the parishes or places comprehended within the said recited acts, or either of them, in order to ascertain the rates and assessments to be raised by virtue of this and the said two recited acts, and also to take copies thereof, or make extracts therefrom, and likewise to inspect and take copies of, or extracts out of or from, any book or books kept by any parish officer or officers, or other officer or officers appointed by authority of parliament, within the cities of *London* or *Westminster*, or county of *Middlesex*, for the paving, cleaning, or lighting, any square, street, lane, place, or district, in *London*, *Westminster*, or *Middlesex*; which inspection, copies, and extracts, the vestry clerk or vestry clerks, or other officer or officers of the respective parishes and places, or other officer or

Powers and clauses in the present and former acts, extended to all places comprized in the said acts.

Clause in act a Geo. III. requiring a report to be made by the surveyor, of any non-performance of contract, before the commissioners bring an action for the same, repealed.

Receivers, or other persons authorized by the commissioners are to be allowed to inspect and take copies of, or extracts from the books of poor rates in the several parishes gratis, in order to ascertain the assessments to be made by virtue of the recited acts.

Penalty of
such refusal.

officers, person or persons, having the custody of such book and rate books and rates, are hereby required to permit and suffer to be made, without fee or reward, by such receiver or receivers, or other person or persons appointed as aforesaid, on their producing an order under the hands of the said commissioners, or any three or more of them, for that purpose; and in case any such vestry clerk, or other such officer or officers, or person or persons, shall neglect or refuse so to do, within three days after such order shall be produced and shewn to him or them, or a copy thereof left at his or their last or most usual place of abode, then, and in every such case, he or they so refusing or neglecting, shall, for the first offence, forfeit the sum of twenty shillings; for the second offence, the sum of forty shillings; and for the third, and every other offence, the sum of three pounds.

Commissioners
allowed to
compound for
penalties in
breach of
contract.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners, or any five or more of them, from time to time, and at all times hereafter, to compound and agree with any person or persons against whom the said commissioners, or any five or more of them, shall bring or cause to be brought any action or actions, suit or suits, for any penalty or penalties, contained in any contract or contracts already entered into, or hereafter to be entered into, on account of any breach or nonperformance of any such contract or contracts, for such sum or sums of money as they, or any five or more of them, shall think proper, so as the sum so compounded and agreed for, be not less than the injury or damage sustained by the breach or nonperformance of any such contract or contracts, and all the costs, charges, and expences, which shall be occasioned thereby.

Dead walls,
void spaces of
ground, and
buildings, &c.
belonging to
any such land,
house, shop,
&c. how to be
rated and as-
sessed.

VI. And, for the more effectual and proportional rating dead walls, void spaces of ground, and other buildings and erections belonging to any land, house, shop, warehouse, cellar, vault, or other tenement; be it further enacted, That it shall and may be lawful to and for the said commissioners, or any five or more of them, and they are hereby required, when and at such time and times as the rates and assessments hereby and in the said recited acts, or either of them, are directed to be made, to rate and assess all such dead walls, void spaces of ground, and other buildings and erections, belonging to any such land, house, shop, warehouse, cellar, vault, or other tenement, situate, standing, lying, and being within the said parishes and places, comprehended within the said recited acts, or this act, or either of them, at a rate not exceeding six pence for every square yard, belonging to such dead wall, void space of ground, building, or other erection, over and above what such land, house, shop, warehouse, cellar, vault, or other tenement, to which such dead wall, void space of ground, building, or erection belongs, shall, by virtue of the said recited acts, or this present act, or either of them, be rated at the said rates or assessments, to be laid, received, recovered, and applied, in such manner as other rates

and

the squares, streets, lanes, courts, alleys, yards, passages, or places, which shall be begun to be paved by virtue of this or the said two recited acts, shall be taken up by any person or persons, for the purpose of making, repairing, or altering, any vault or drain, or for any other purpose whatsoever; the person or persons so taking up such pavement or pavements, shall immediately give notice thereof to the surveyor or surveyors employed by the commissioners for putting this and the said recited acts in execution, in order that the same may, with all convenient speed, be laid down and repaired, under the inspection of the said surveyor or surveyors; and the charges and expences thereof shall be paid by the said commissioners, and they shall be reimbursed the same by the person or persons, companies of water-works, or commissioners of sewers, who shall take up, or cause or procure to be taken up, the said pavement or pavements, or any part or parts thereof; and in case such person or persons, companies of water-works, or commissioners of sewers respectively, shall neglect or refuse to pay what the said commissioners shall have so paid and disbursed, within ten days next after notice thereof, to be left, by the receiver or receivers appointed, or to be appointed, by the said commissioners, at the dwelling-house, or last place of abode of such person or persons, or of the secretary or secretaries, clerk or clerks, of such companies of water-works, or commissioners of sewers respectively; which notice shall be in writing, and signed by the clerk to the commissioners for putting this and the said recited acts into execution, by order of the said commissioners, or any three or more of them, and annexed to the bill containing an account of the expence of such repair; it shall and may be lawful to and for the said last mentioned commissioners, or any three or more of them, and they are hereby authorized and empowered to bring, or cause to be brought, any action or actions, in the name or names of their treasurer or treasurers for the time being, for the recovery of such sum or sums of money as they shall have so expended, for the relaying and repairing such pavement or pavements taken up in manner aforesaid; and in case such person or persons hereby directed to give such notice to the surveyor or surveyors, as is before directed, shall neglect so to do, for the space of twenty four hours after such pavement or pavements be so taken up, such person or persons shall, for every such offence, forfeit and pay the sum of twenty shillings.

XII. And be it further enacted by the authority aforesaid, That when and so often as there shall be occasion, after the passing of this act, to make new, or additional, or repair, or alter, any of the old grates belonging to the commissioners of sewers, in any of the squares, streets, lanes, courts, yards, alleys, passages, or places, which have been, or shall be, begun to be paved by virtue of this and the said two former acts, the same shall be made new, repaired, or altered, at the expence of the said commissioners of sewers; and the same, when so made new, repaired, or altered, shall be laid down in such places, and at such distance

of the taking up any pavements for the purpose of making, repairing, or altering, any vault or drain, &c.

in order that the same may be relaid under his inspection.

Commissioners to pay the expence, and they are to be reimbursed by the persons taking up such pavements: on their neglect or refusal, after due notice given,

an action may be brought for the money in the treasurer's name.

Penalty of not giving due notice of the taking up such pavements.

Where it shall be necessary to make new grates, or to repair or alter old ones, the commissioners of sewers are to pay the expence; and the grates are to be laid down as the

Surveyors under this act shall direct. If the commissioners of sewers neglect, &c. the commissioners under this act may order the same to be done, and they are to be reimbursed by the commissioners of sewers.

distance from each other, and in such manner and form, as shall be directed by the surveyor or surveyors to the commissioners appointed by the said recited acts, or either of them, at the expence of the said commissioners of sewers; and in case the said commissioners of sewers shall neglect or refuse so to do, for the space of ten days next after notice given, or left with their clerk or clerks for the time being, it shall and may be lawful to and for the said commissioners appointed by the said recited acts, or any three or more of them, or their surveyor or surveyors, to cause such grate or grates as shall be necessary to be made new, repaired, altered, and laid down, to be so made new, repaired, altered, and laid down; the expence whereof shall be reimbursed and paid by the said commissioners of sewers,

Commissioners empowered to remove and alter all steps projecting into the foot ways, steps, and doors, going down out of the foot ways, into cellars, shew-glasses, and other matters, causing an obstruction or nuisance in the common passages.

XIII. And whereas several of the streets, lanes, and other places, comprehended within the said two recited acts, or this act, or either of them, are in some parts thereof very narrow, and are greatly obstructed and made dangerous to foot passengers, by steps being brought out from several houses into the streets; steps, and doors, going down into cellars, vaults, and other places, belonging to such houses; and by shew-glasses, shew-boards, or other matters or things projecting from shops or houses, over and beyond the area belonging to such houses, or into the foot ways; be it therefore enacted by the authority aforesaid, That from and after the passing of this act, all such steps projecting into the foot ways of the streets, all steps, and doors, going down out of the foot ways into any cellars, vaults, or other places, belonging to any house, shop, warehouse, or tenement, as likewise all shew-glasses, or shew-boards, projecting over and beyond the areas, or into the foot ways; and all and every other material, matter, or thing, belonging to any houses, warehouses, shops, cellars, or other buildings, which cause or occasion any nuisance, annoyance, incroachment, or obstruction, in any of the squares, streets, lanes, courts, alleys, yards, passages, or other places (either in the foot or carriage ways thereof) which shall be begun to be paved by virtue of this and the said two former acts, shall be, at the expence of the said commissioners, removed, fixed, placed, or altered, in such manner and form as shall be approved of by the said commissioners, or any five or more of them, or their surveyor or surveyors by their direction.

Penalty of obstructing any officer, or other person, in the execution of his duty.

XIV. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time or times hereafter, obstruct, hinder, or molest, any surveyor or surveyors, or other officer or officers, person or persons whatsoever, who are or shall be employed to put this and the said two former acts, or either of them, in execution, in the performance or execution of their duty; every such person and persons so offending shall, for the first offence, forfeit the sum of twenty shillings; for the second offence, the sum of forty shillings; and for the third and every other offence, the sum of three pounds.

XV. And

XV. And whereas all that part of a certain street or place called *Swallow Street* (which is situate in the two several parishes of *Saint James* and *Saint George Hanover Square*, within the liberty of *Westminster*; and extends from the west end of a publick way or passage called *Major Foubert's passage*, in the said parish of *Saint James*; and from the east end of *Conduit Street* in the said parish of *Saint George Hanover Square*, northwards, to a certain street, or place called *Oxford Road*) hath for several years past been, and still is, in all respects compleatly paved as a street, with houses of habitation, and other buildings regularly erected and built on each side thereof: and whereas the said part of *Swallow Street* above described, was not a street (at the time of passing an act of parliament in the second year of the reigns of the late King *William* and Queen *Mary*, made (amongst other things) for paving and cleansing the streets in the cities of *London*, *Westminster*, and suburbs and liberties thereof) but was then, and for several years after, used as a common graveled lane or highway, not built upon as a street, and was called *Marybone Lane*; and therefore some doubts have lately arisen, whether the said part of *Swallow Street* above described, is or is not now a street within the meaning of the said last mentioned act of parliament, with respect to the paving thereof, and keeping the same in repair: for the obviating of which doubts, be it enacted by the authority aforesaid, That the said part of *Swallow Street* herein before described, shall at all times hereafter be, and be deemed and taken to be, a publick street, and part of *Swallow Street* aforesaid, to all intents, constructions, and purposes whatsoever, and within the meaning of the said act of parliament, made in the said second year of the reign of King *William* and Queen *Mary*; any thing in this or in any former act or acts of parliament contained, or any other law, usage, or custom, to the contrary in any wise notwithstanding.

XVI. And be it further enacted by the authority aforesaid, That the said commissioners, or any seven or more of them, may, and they are hereby impowered to make, or cause to be made, any passage or passages, through any square or place within the parishes and places comprized in the said recited acts or this present act, with the consent of the owner or owners, proprietor or proprietors, and at the expence of such owner or owners, proprietor or proprietors thereof; and if any such new passage or passages shall be made, the said commissioners may pave, repair, cleanse, and light the same, in like manner, and under the same powers, provisions, rules, regulations, and authorities, as is herein and in the said two several recited acts provided, in respect of the squares, streets, lanes, courts, alleys, yards, passages, and places before mentioned.

XVII. Provided always, That no part of the monies that shall be given by parliament for the purposes of this and the said two recited acts, nor any part of the monies that shall be raised by the rates to be made and levied by virtue of this and the said two recited acts, shall be applied to the purpose of purchasing the

The whole of *Swallow Street* above described, declared to be a publick street, and to be within the meaning of the act of a W. & M.

Commissioners impowered, with consent of the proprietors, and at their expence, to make any new passages, and to pave, cleanse, and light the same.

No part of the monies granted by parliament, or raised by the rates, to be applied in

purchasing
houses or
ground for
the above
purpose.
In order to
make a new
passage, or
open the old
one, at the
Devil's gap
near Long
Acre,
the commis-
sioners are im-
powered, upon
such money as
shall be agreed
on being paid,
or satisfaction
made to the
owners, to
take down
such houses as
shall be neces-
sary for that
purpose:

the said lands or houses, or either of them, or the ground or soil thereof.

XVIII. And whereas by the said recited act of the second year of his present Majesty, power is given to the said commissioners, or any seven or more of them, to make a new passage, or widen the old one, from *Drury Lane* into *Great Queen Street*, in the parish of *Saint Giles in the Fields*, in the county of *Middlesex*, at or near a certain place called *The Devil's Gap*, and near adjoining to the east end of *Long Acre*, in manner, and upon the terms and conditions, in the said act mentioned; be it therefore further enacted by the authority aforesaid, That upon payment of such sum or sums of money as shall be agreed to be paid for the premises mentioned in the said first recited act, or such part thereof as shall be necessary to be purchased for that purpose; or if no agreement or contract shall be made, then upon making satisfaction, in manner herein after mentioned, to the owners of, and persons interested in, such premises, it shall and may be lawful to and for the said commissioners, or any seven or more of them, to take down, or cause or procure to be taken down, all such house or houses, with the appurtenances, on the south side of the said gap, or any part or parts of all of such of the said houses as shall be necessary for the purpose (not exceeding in the whole six such houses) and to cause the materials thereof to be removed and taken away.

And where
the persons in-
terested in
such lands and
houses,

XIX. And be it further enacted by the authority aforesaid, That if any body politick, corporate, or collegiate, corporation aggregate or sole, feoffees in trust, executors, administrators, guardians, committees, or other trustees, or any other person or persons whomsoever, in any wise interested in any such lands, tenements, buildings, houses, grounds, or hereditaments, upon ten days notice to them given or left in writing at the dwelling-house or houses, place or places of abode, of such person or persons, or of the head officer or officers of such body politick, corporate, or collegiate, aggregate or sole, or at the house of the tenant in possession of such lands, tenements, houses, buildings, grounds, and hereditaments, shall neglect or refuse to treat, or shall not agree for the sale of any such lands, tenements, houses, buildings, grounds, or hereditaments, or any part or parts thereof, or for their interest therein, or, by reason of absence, or otherwise, shall be prevented from treating as aforesaid; then, and in any such case, the said commissioners, or any seven or more of them, shall cause it to be enquired into, and ascertained, by and upon the oath of a jury of twelve indifferent men of the county of *Middlesex* (which oath the said commissioners, or any three or more of them, are hereby empowered and required to administer) what damages will be sustained by, and what recompence and satisfaction shall be made to, such owners, occupiers, proprietors, or other person or persons interested for such lands, tenements, houses, buildings, grounds, and hereditaments, or any part or parts thereof, which the said commissioners shall want to purchase: and in order thereunto,

shall refuse to
treat or agree
for the sale
thereof,

the damage
and recom-
pence is to be
ascertained by
a jury.

the

and assessments are directed to be laid, received, recovered, and applied, by the said former acts, or this act, or either of them.

VII. And be it further enacted by the authority aforesaid, That when any defective or bad pavement shall be mended, altered, or repaired, by the order or direction of the said commissioners, or any three or more of them, by virtue of the powers given by the act passed in the third year of his present Majesty's reign; the charges and expences thereof shall be reimbursed and paid by the tenant or tenants, occupier or occupiers, of the respective lands, houses, shops, warehoufes, cellars, vaults, or other tenements, to which such pavements shall adjoin, appertain, or belong; and such tenant or tenants, occupier or occupiers, of lands, houses, shops, warehoufes, cellars, vaults, or other tenements, are and shall be liable to pay the whole of such charges and expences; and in case such tenant or tenants, occupier or occupiers, shall not within ten days after the same shall be demanded, by a notice thereof in writing given to him, her, or them, or left at his, her, or their last or most usual place of abode, pay or cause to be paid, the said charges and expences to the said commissioners, or any three or more of them, or to such person or persons as they shall appoint to receive the same (which said notice shall be in writing, and signed by the clerk to the commissioners for the time being, by order of the said commissioners, or any three or more of them, and annexed to the bill containing an account of the expence of such repairs) it shall and may be lawful for the person or persons so to be appointed by the said commissioners to receive the same, to make complaint thereof to any one or more justice or justices of the peace for the county or place where such person or persons so refusing or neglecting shall be and reside; and such justice or justices may, and is and are hereby authorized and required to issue a warrant under his or their hand and seal, or hands and seals, to cause the party or parties to be brought before him or them, and upon the party or parties appearing, or not being to be found after due enquiry, and proof thereof by the oath of the party making such enquiry (which oath the said justice or justices is and are hereby impowered and required to administer) to hear and determine the matter in a summary way; and if upon the confession of the party or parties, or by the oath of one or more credible witness or witnesses (which oath such justice or justices is and are hereby impowered and required to administer) it shall appear to such justice or justices, that such charges and expences have been incurred by the said commissioners, and not paid or satisfied by the party or parties as aforesaid, then such justice or justices may, and he or they is and are hereby authorized and required to issue a warrant or warrants under his and their hand and seal, or hands and seals, for the levying the same, by distress and sale of the goods and chattels of such party or parties; and if after full payment thereof, together with all charges attending such distress and sale, there shall be an over-

Charges of altering or repairing defective or bad pavements, to be paid by the tenant or occupier;

and if not paid after due notice given,

any justice for the county, &c. upon complaint thereof, may issue his warrant for bringing the offender before him;

and may afterwards levy the expence by distress and sale.

plus, then the same shall be paid to the owner or owners of such goods and chattels, upon demand.

Contracts between landlord and tenant concerning keeping pavements in repair not altered by this act.

Defective or bad pavements belonging to lands or houses, &c. untenanted, to be repaired by the commissioners at the expence of the owners; and if not paid after due notice given,

the treasurer may bring an action for the same.

Penalty of running, driving or drawing any wheel, sledge, wheel-barrow, or other carriage, on any of the foot pavements.

Notice to be given to the commissioners

VIII. Provided always, That nothing herein contained shall be deemed or taken to make void any contract, covenant, or agreement, between landlord and tenant, touching or concerning the keeping in repair such pavement.

IX. And be it further enacted by the authority aforesaid, That when any defective or bad pavement adjoining or belonging to any land, house, shop, warehouse, cellar, vault, or other tenement, or to any part or parts thereof, which shall then be untenanted or unoccupied, shall, by the direction of the said commissioners, or any three or more of them, be mended, altered, or repaired, then, and in every such case, the expence of mending, repairing, or altering such pavement shall be paid by the owner or owners, proprietor or proprietors of such land, house, shop, warehouse, cellar, vault, or other tenement respectively; and in case of non-payment thereof within ten days next after notice in writing, to be signed by the clerk to the said commissioners for the time being, by order of the said commissioners, or any three or more of them, given or left at the last or most usual place of abode of such owner or owners, proprietor or proprietors, or of the known agent or agents, steward or stewards, to such owner or owners, proprietor or proprietors, to pay the same; and in case such respective place of abode shall not be known, and, upon inquiry, not to be found, such inquiry to be verified upon oath before one or more justice or justices of the peace, who is and are hereby authorized to administer the same to the person or persons making such inquiry, then, within ten days next after notice in writing, signed as aforesaid, shall be affixed on some conspicuous part of such land, house, shop, warehouse, cellar, vault, or other tenement respectively; in every such case, the said commissioners, or any three or more of them, shall and may, if they shall think proper, bring, or cause to be brought, any action or actions in the name of their treasurer for the time being, against any such owner or owners, proprietor or proprietors, for the money at any time so due; in which action or actions no essoin, protection, or wager of law, or more than one imparlance, shall be allowed.

X. And be it further enacted, That if any person or persons shall, for the future, run, drive, draw, or cause to be run, driven, or drawn, on any of the foot pavements of any of the said squares, streets, lanes, courts, alleys, yards, passages, or places, which shall be begun to be paved by virtue of the said former acts, or either of them, or of this act, any wheel or wheels, sledge, wheel-barrow, or any carriage whatsoever, such person or persons shall forfeit, for the first offence, the sum of ten shillings; for the second offence, the sum of twenty shillings; and for the third and every other offence, the sum of forty shillings.

XI. And be it further enacted by the authority aforesaid, That when and so often as any part of the pavements of any of

the said commissioners, or any seven or more of them, are hereby impowered and required, from time to time, as there shall be occasion, to summon and call before the said jury, and examine upon oath, all persons whatsoever, who shall be thought necessary or proper to be examined as witnesses touching or concerning the premises (which oath the said commissioners, or any two or more of them, are hereby impowered and required to administer) and if any of the parties interested shall request the same, or the said commissioners, or any seven or more of them, shall think it necessary, shall also cause the said jury to view the place or places in question, and shall use all other lawful ways and means as well for their own, as for the said jury's better information in the premises, in such manner as they the said commissioners, or any seven or more of them, shall think fit: and after the said jury shall have so inquired of, ascertained, and settled, such damage and recompence, they the said commissioners, or any seven or more of them, shall thereupon order and adjudge the sum or sums of money so assessed by the said jury for such purchases as aforesaid, to be paid to the persons interested in such lands, tenements, buildings, houses, grounds, or hereditaments, or any part or parts thereof, according to the verdict or inquisition of the said jury; which said verdict or inquisition, and the order or adjudication so had and made, shall be final and conclusive to all intents and purposes against all parties or persons whatsoever, claiming in possession, reversion, remainder, or otherwise, their heirs, executors, or administrators, and successors respectively, as well absent as present, infants, females covert, lunatics, idiots, and persons under any other disability whatsoever, bodies politick, corporate, or collegiate, aggregate or sole, as well as other person or persons whomsoever; and all and every such owners, occupiers, and proprietors, and all and every person and persons in any wise interested in such lands, tenements, buildings, houses, grounds, or hereditaments, or any part or parts thereof so purchased as aforesaid, shall thereby be, from and after the money so contracted and agreed for, or so assessed and adjudged for such purchases as aforesaid, shall be paid, tendered, or left as herein directed, to all intents and purposes divested of all right, claim, interest, or property, of, in, to, or out of, the same; and the said commissioners, or any seven or more of them, shall have full power, by virtue of this act, by deed indented and inrolled, within three months after the making thereof, in some of his Majesty's courts of record at *Westminster*, to grant, bargain, sell, and convey such lands, tenements, buildings, houses, grounds, or hereditaments, or such parts thereof as shall be purchased as aforesaid, to such person or persons, and their heirs and assigns, as the said commissioners, or any seven or more of them, shall nominate and appoint, in trust for the said commissioners and their successors, for the purposes of the said recited acts, and of this act, or either of them; which said grant, bargain, sale, and conveyance, shall be good and available in the law to such person or persons, and their

And the commissioners are impowered to summon a jury accordingly, and examine witnesses on oath touching the premises;

and to adjudge the sum assessed to be paid accordingly.

The verdict of the jury, and order thereupon made, to be final;

and the parties to be divested of all property in the premises,

which may be sold and conveyed by the commissioners,

in trust for the purposes mentioned in this and the recited acts.

their heirs, in trust as aforesaid, against all persons whomsoever, their heirs, executors, administrators, or assigns, whether under abilities or disabilities as aforesaid, or in any wise interested in, or claiming, any estate, right, title, or interest, in such lands, tenements, buildings, houses, grounds, or hereditaments, and every part or parts thereof so purchased as aforesaid.

If the sums awarded shall not be duly paid, &c.

the said verdict and adjudication to be void. Commissioners empowered to issue their warrant to the sheriff for summoning a jury,

Sheriff to return a jury accordingly;

and in default of a sufficient number appearing, standers-by may be returned.

Jury may be challenged.

Power given to the commissioners to fine the sheriff,

his agents, and jury,

and persons summoned to give evidence,

XX. Provided always, That in case the said sum or sums so assessed by the said jury, and ordered and adjudged by the said commissioners to be paid, as a satisfaction to the owners, incumbancers, occupiers or others, for their respective interests in the said premises, shall not be paid, tendered, or left, as herein mentioned, according to the true intent and meaning of this act, within one calendar month after the same shall have been so assessed, ordered, and adjudged; then, and in such case, the verdict of the said jury, and order and adjudication of the said commissioners, shall not be binding upon the said parties; any thing herein contained to the contrary notwithstanding: and, for the summoning and returning of such jury or juries, the said commissioners, or any five or more of them, are hereby empowered, from time to time, to issue their warrant or warrants to the sheriff of the said county, thereby requiring him to impanel, summon, and return, an indifferent jury of twenty four persons, to appear before the said commissioners, or any five or more of them, at such time and place as in such warrant shall be appointed; of which time and place all parties interested shall have ten days notice given or left in manner herein last before-mentioned; and the said sheriff, or his deputy or deputies, is and are hereby required to impanel, summon, and return such twenty four persons accordingly; and out of the persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such summons, the said commissioners, or any five or more of them, shall cause to be sworn twelve, who shall be the jury for the purposes aforesaid; and for default of a sufficient number of jurymen, the said sheriff, or his deputy or deputies, shall return so many of the standers-by as shall be necessary to make up the number of twelve, to serve on such jury.

XXI. Provided always, and be it further enacted by the authority aforesaid, That all persons concerned shall, from time to time, have their lawful challenges (but not to challenge the array of the panel) against any of the said jurymen, when they come to be sworn; and the said commissioners, or any seven or more of them, acting in the premises, shall have power, from time to time, to impose any reasonable fine or fines on such sheriff, his deputy or deputies, bailiffs, or agents, making default in the premises; and on any of the persons that shall be summoned and returned on such jury, and shall not appear, or refuse to be sworn on the said jury, or to give their verdict, or in any manner wilfully neglecting their duty therein, contrary to the true intent and meaning of this act; and on any of the persons who, being required to give evidence touching the

the premisses, shall refuse to be examined or to give evidence ; making default in the premisses. Limitation of such fines.
and, from time to time, to levy such fine or fines in such manner as any penalties in the said recited acts are directed to be levied and recovered, so as that no such fine shall exceed the sum of ten pounds upon any one person for any one offence.

XXII. And be it further enacted by the authority aforesaid, That in case such person or persons, to whom such sum or sums of money shall be so assessed or due as aforesaid, cannot be found, or if by reason of disputes depending in any court of law or equity, or for defect of evidence, or otherwise, it shall not appear to the said commissioners what person or persons is or are intitled ; or if any mortgagee or mortgagees shall refuse to take in his, her, or their mortgage money due on the premisses, after notice given to him, her, or them, for that purpose ; then, and in all and every such case and cases, it shall and may be lawful to and for the said commissioners, or any seven or more of them, to order the sum or sums so assessed and awarded, as aforesaid, or as shall be due on such mortgage, to be paid into the bank of *England*, in the name of the treasurer to the said commissioners for the time being, and of any five or more of the said commissioners, for the use of the parties interested in the said premisses, to be paid to them, and every of them, according to their respective estates and interests in the said premisses, as the said commissioners, or any five or more of them, shall, by any order to be made by them, direct.

XXIII. And whereas several noblemen, gentlemen, and others, residing near and passing through the said gap, have, by voluntary subscription among themselves, agreed to raise a considerable sum of money towards purchasing the said houses and ground, but it may so happen that the said fund may not be quite sufficient to pay the purchase-money ; and in order to compleat the said design, other persons may be induced to lend and advance money towards the said purchase : and whereas by reason of such purchases as aforesaid, the commissioners may be possessed of one or more house or houses, or some piece or parcel of ground, over and above what may be necessary for the opening and widening the said gap ; be it therefore further enacted, That it shall and may be lawful to and for the said commissioners, or any three or more of them, to let, sell, or dispose of such house or houses, or such piece or parcel of ground, either together, or separately and in parcels, as they shall think most advantageous and convenient, to such person or persons as shall be willing to contract for and purchase the same ; and to design and lay out in what manner the houses to be built thereon shall be erected and built, and of what breadth and extent the said street or gap, so intended to be widened, shall be ; and also to sell and dispose of the materials of such house or houses as the said commissioners shall purchase and cause to be pulled down as aforesaid ; and apply the money arising by such sale as aforesaid, to reimburse and pay the person and persons who shall have advanced any sum or sums of money, over and besides the money arising

If the parties to whom the consideration money shall be awarded cannot be found, or there be any dispute in law, or defect of evidence, or mortgagees refuse to take in their mortgage money, the sums assessed to be paid into the bank, for the use of the parties.

Commissioners may let or sell such houses and old materials, or the ground so purchased, which shall be more than sufficient for their purpose, and lay out the manner of building thereon ; and the breadth and extent of the street ; and apply the money arising

by the sale to the contributors.

Such of the powers, &c. granted by the former act, as are altered by this, are repealed.

Classified in act 6-Geo. I.

3 Geo. II.

and 19 Geo. II.

Any quantity of coals, not exceeding 1 chaldron,

with the ingrain, may be carried at one load, without being liable to any penalty.

Recovery and application of penalties.

sides the money raised by such voluntary subscription as aforesaid.

XXIV. And be it further enacted by the authority aforesaid, That such of the powers, provisions, and authorities, contained in the said former acts, or either of them, as are varied or altered by this act, shall be, and the same are hereby declared to be repealed.

XXV. And whereas by an act made in the sixth year of the reign of his majesty King *George* the First, for preventing the carriage of excessive loads of meal, malt, bricks, and coals, within ten miles of *London* and *Westminster*, it is provided, That no person shall carry, at one load, within the said limits, in any waggon or cart having the wheels thereof shod or bound with tire or streaks of iron, more than one chaldron of coals: and whereas by an act made in the third year of the reign of his late majesty King *George* the Second, for the better regulation of the coal trade, provision is made for inflicting a penalty on all persons who shall sell any quantity of coals as and for pool measure including the ingrain, and shall not deliver to the buyer of such coals the full quantity of coals so sold, as the same were measured from on shipboard, together with the ingrain thereof: and whereas by an act made in the nineteenth year of the reign of his said majesty King *George* the Second, for preventing frauds and abuses in the admeasurement of coals, it is declared, That all agreements for coals to be delivered within the limits aforesaid, directly from any lighter or other craft, to the consumer, not being a less quantity than five chaldrons, shall be deemed and understood to be for pool measure, including the ingrain of one chaldron for every twenty chaldrons: and whereas many persons have, to their great prejudice, suffered the penalty inflicted by the said act made in the sixth year of the reign of his majesty King *George* the First, by carrying the ingrain belonging to each chaldron in the same cart with the coals: therefore, for preventing such hardships for the future, be it further enacted by the authority aforesaid, That from and after the passing of this act, it shall be lawful for any person or persons to carry at one load, within the limits described by the said act of the sixth of King *George* the First, in any waggon or cart, any quantity of coals not exceeding the quantity of one chaldron, and the ingrain thereunto belonging, after the rate of one chaldron in every twenty chaldrons, without being liable to any penalty for the same; any thing in the said act of the sixth year of the reign of his said majesty King *George* the First, or any other act or acts, to the contrary thereof in any wise notwithstanding.

XXVI. And be it further enacted by the authority aforesaid, That all penalties and forfeitures by this act imposed (the manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by distress and sale of the offender's goods and chattels, by warrant under the hand and seal of some justice of the peace for the said county of

of *Middlesex*, or the city or liberty of *Westminster*, as the case may be; which warrant such justice is hereby impowered and required to grant, upon the confession of the party or parties, or upon the information of any one or more credible witness or witnesses upon oath (which oath such justice is hereby impowered to administer) and the penalties and forfeitures when recovered, after rendering the overplus, if any be, upon demand to the party or parties whose goods and chattels shall be so distrained and sold (the charges of such distress and sale being first deducted) shall be paid to the treasurer to the said commissioners for the time being, and be applied towards the purposes of the said former acts, and this act; and in case sufficient distress cannot be found, and such penalties or forfeitures shall not be paid, it shall and may be lawful for such justice, and he is hereby authorized and required, by warrant under his hand and seal, to commit such offender or offenders to the house of correction, for any time not exceeding two months.

XXVII. And be it further enacted by the authority aforesaid, That no proceeding to be had touching the conviction of any offender or offenders against this act, or any order made, or other matter or thing to be done or transacted, in or relating to the execution of this act, shall be vacated or quashed for want of form, or be removed by *Certiorari*, or any other writ or process whatsoever, into any of his Majesty's courts of record at *Westminster*; any law or statute to the contrary notwithstanding.

Proceedings touching the conviction of offenders, not to be quashed for want of form, or removed by *Certiorari*.

XXVIII. And be it further enacted by the authority aforesaid, That no action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, until eight clear days notice shall be thereof given in writing to the clerk or treasurer to the said commissioners, or after sufficient satisfaction, or tender thereof, hath been made to the party or parties aggrieved, or after six calendar months next after the fact committed, for which such action or actions, suit or suits, shall be so brought; and every such action shall be brought, laid, and tried, in the county or place where such matters and things respectively shall be committed or done, and not in any other county or place; and that the defendant or defendants in such actions and suits, and every of them, may plead the general issue, and give this act, and the special matter, in evidence, at any trial or trials which shall be had thereupon, and that the matter or thing for which such action or actions, suit or suits, shall be so brought, was done in pursuance and by the authority of this act: and if the said matter or thing shall appear to have been so done, or if it shall appear that such action or suit was brought before eight clear days notice thereof given as aforesaid, or that sufficient satisfaction was made or tendered as aforesaid, or if any such action or suit shall not be commenced within the time before for that purpose limited, or shall be laid in any other county or place than as aforesaid, then the jury or juries shall find for the defendant or defendants therein; and if a verdict or

Limitation of actions.

General issue.

verdicts

Treble costs.

verdicts shall be found for such defendant or defendants, or if the plaintiff or plaintiffs in such action or actions, suit or suits, shall become nonsuited, or suffer a discontinuance of such action or actions, or if, upon any demurrer or demurrers any such action or actions, judgment shall be given for the defendant or defendants therein, then, and in either of the cases aforesaid, such defendant or defendants shall have treble costs; and shall have such remedy for recovering the same, as any defendant or defendants may have for his, her, or their costs in any other cases by law.

C A P. XL.

An act for the more easy and speedy recovery of small debts within the borough and soke of Doncaster, in the county of York; and for lighting the streets, lanes, and other open passages and places, within the said borough.

Preamble.

WHEREAS the borough of Doncaster in the county of York, is large and populous, has a navigable river, and is a great thoroughfare between the south and northern parts of this kingdom, by means whereof a considerable trade is carried on in the said borough and soke thereof: and whereas there are many persons to whom the traders of the said borough and soke are obliged to give credit for small sums of money, who frequently refuse, although able, to pay the same, presuming on the discouragements which creditors lie under, from the expence which they are unavoidably put to, and the delays they meet with in suing for such debts: and whereas a more easy and speedy method of recovering small debts, within the said borough and soke, would greatly tend to promote industry, and support useful credit therein: and whereas the lighting, in a proper manner, the streets, lanes, and other open passages and places, within the said borough, would be of great benefit and safety to the inhabitants thereof, as well as to all persons resorting thereto: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That

Commissioners appointed. They are constituted a court of requests. Three or more empowered to hold a court on *Thursday* in every other week. First meeting. Business of other courts not to be impeded by their meetings. Power and business of this court. Casting vote, on equality, to lie in the mayor, senior alderman, or commissioner who stands first on the list. — Method of electing new commissioners. — The order, in which the commissioners are to be summoned. — Any commissioner, though not summoned, &c. may sit in the court. — Commissioners to take oath for faithful impartial, and honest discharge of the trust; to be administered by the clerk, and registred. — *Richard Shepherd* constituted clerk of the court; with power to appoint a deputy. — Serjeants at mace appointed serjeants of the court. — Creditors may sue for any debt under 40s. in the said court. And on application to the clerk, who shall summon the debtor, and proof of service of the summons, the commissioners are to enquire into the demand, and pass final judgment thereupon: and may administer an oath to witnesses and officers. — Debtor not appearing, court may hear the cause on the part of the plaintiff, and pass judgment.

ment thereon, with costs. — Plaintiff not appearing, or being nonsuited, costs to be awarded to the defendant. — Upon order for payment of money, execution is to be awarded against the body or goods of the party. Confinement on execution not to exceed three months. If the execution be prevented, or evaded, the court may order another upon the first default of payment, the court may award execution for the whole debt with further costs. — Debt and costs to be marked on the back of the precept. On paying in the same to the clerk, before execution takes effect, with the fees due to the officers, &c. execution is to be superseded. — Attornies and solicitors not exempted. — Officer neglecting his duty, liable to pay the debt. Fees allowed to the clerk and serjeants. A table thereof to be hung up in the court. — Penalty of demanding or taking greater or other fees, not exceeding 40s. nor less than 10s. Clerk or serjeants guilty of notorious misbehaviour, court may enquire into the same, and certify the particulars to the mayor, who shall summon a general meeting, who may remove the delinquent. — A commissioner interested in any cause depending, is to withdraw, after being heard, till the same is determined: and officer being interested, the court is to appoint another person to act *pro tempore*. — Persons insulting the court while sitting, or any members thereof going to or from the same, or interrupting the proceedings, may be punished by fine or imprisonment. Where fine cannot be levied, offender is to be committed. Application of the fines. Copy of this clause to be fixed up in the court. — Actions for debt recoverable in this court, are not to be brought in any other. The registers of the court, or true copies thereof, deemed legal evidence. Proceedings, &c. not to be removed. — Specification of debt, &c. not suable in this court. — Penalty of wilful and corrupt perjury. — Keepers of the common gaol are to receive and keep in safe custody, &c. all persons committed by order of the court; on penalty of forfeiting not exceeding 5l. nor less than 40s. to be levied by distress and sale of the offenders goods, and to be paid and applied as other fines. — No attorney to speak in the court, where he is not a party or witness, on penalty of 20l. nor to act as a commissioner. — Witness duly summoned, refusing to appear and give evidence, may be fined not exceeding 50s. nor less than 5s. to be levied by distress and sale of the offenders goods, and paid over to the party injured. — No writ may be sued out against any commissioner or officer, for any thing done in the execution of their respective offices, until they have been served with due notice. Attorney's fee for preparing and serving such notice. — Defendant tendering sufficient amends; verdict to be given for him. If none, or insufficient amends are tendered, &c. plaintiff to recover damages and costs. If notice has not been given, defendant to recover. Defendant may pay money into court before issue joined. No evidence to be given on the trial, but what is contained in the notice. — Corporation at their own expence, to light the streets, &c. within the borough. Lamps, &c. vested in the mayor: penalty on persons injuring them. Limitation of actions. General issue. Treble costs. Publick act.

C A P. XLI.

An act for the more easy and speedy recovery of small debts in the town and parish of Kirkby in Kendal, in the county of Westmorland.

WHEREAS a great trade is carried on in the town and parish of Kirkby in Kendal, in the county of Westmorland, and the inhabitants thereof have of late years greatly increased: and whereas many poor honest persons are obliged to contract small debts within the said town and parish, and limits of the same, and they being frequently rendered unable to pay the said debts in due time, their creditors do often bring suits and actions against them for recovery of

the same, and in consequence thereof their goods and effects are seized and sold, or their persons imprisoned, to the utter ruin of themselves and families, the loss of their labour to the publick, and the great burthen and charge of the parish or township to which they belong: for remedy whereof, and to the intent that some other easy and speedy method may be provided for the recovery and payment of small debts within the said town and parish and the limits thereof: may it please your most excellent Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That

Commissioners named; and any three, or more, of them constituted a court of requests. Proviso. Commissioners to assemble at a certain place: to be chosen in rotation. Commissioners to elect a clerk. — Commissioners to issue a *Capias*. Penalty on persons refusing to obey subpoenas of the court. Creditors may sue for debts under 40 s. Commissioners to administer oaths. — Penalty on insulting the commissioners, or being guilty of perjury. — Commissioners to take an oath. Fees to be taken. 51. Penalty on demanding greater fees. — Certain debts excepted. — Plaintiffs not appearing, &c. Commissioners may award costs to defendants. — If debtors refuse to appear, commissioners may hear and determine the cause. Application of penalties. — Clerk to adjourn the court. — Debts recoverable in this court, not to be sued for in any other court. — Proceedings not removeable by *Cartorari*. Limitation of actions. General issue. Treble costs. Publick act.

C A P. XLII.

An act for repairing and widening the road from Shillingford, in the county of Oxford, through Wallingford and Pangborne, to Reading, in the county of Berks; and for building a bridge over the river of Thames, at or near Shillingford Ferry.

C A P. XLIII.

An act for maintaining, regulating, and employing the poor within the parish of Saint John at Hackney, in the county of Middlesex; and for lighting the said parish, and establishing a regular nightly watch therein.

C A P. XLIV.

An act for repairing and widening the roads from Horsham, in the county of Suffex, through the parishes of Shipley, West Grinstead, Ashurst, Steyning, Bramber, and Breeding, in the said county.

C A P. XLV.

An act to amend and render more effectual several acts of parliament, for repairing the roads from Sherbrooke Hill, near Buxton and Chappel in the Frith, in the county of Derby, through the town of Stockport, in the county of Chester, to Manchester, in the county of Lancaster, and

other roads in the said acts mentioned, and for turning and diverting the roads from Whaley Bridge, to Chappel in the Frith, and to Sparrow Pitt Gate; and from Whaley Bridge, to the western end of Longside Common, in the county of Chester.

CAP. XLVI.

An act to continue an act passed in the tenth year of the reign of his late majesty King George the Second, for continuing an act, passed in the fifth year of the reign of his late majesty King George the First, intituled, An act for laying a duty of two pennies Scots, or one sixth part of a penny Sterling, upon every pint of ale or beer, that shall be vended or sold within the town of Dunbar, for improving and preserving the harbour, and repairing the town house, and building a school, and other publick buildings there; and for supplying the said town with fresh water.

CAP. XLVII.

An act for repairing and widening the roads, from the end of Stanbridge Lane, near a barn in the parish of Romsey, to the turnpike road at Middle Wallop, and from the turnpike road between Stanbridge Lane aforesaid, and Great Bridge, to the turnpike road at Stockbridge, and from the garden of Henry Hattar, at Awbridge, to the garden wall of Denys Rolle, esquire, at East Tuderley, and from Lockerley Mill Stream, to East Dean Gate, and from the said garden wall to the turnpike road leading from Stockbridge aforesaid, in the county of Southampton, to Salisbury.

CAP. XLVIII.

An act for repairing and widening several roads leading from Callington in the county of Cornwall.

CAP. XLIX.

An act to enable the governor and company of the bank of England to purchase houses and ground for opening a passage for carriages, from Cornhill to the bank, and making more commodious several other passages leading thereto; and for enlarging the buildings of the said bank, and making the same more commodious.

CAP. L.

An act for the relief of the bond and other creditors of the wardens and commonalty of the mystery of Mercers of the city of London.

CAP. LI.

An act for continuing and enlarging the term and powers of

an act, made in the twenty sixth year of the reign of his late majesty King George the Second, intituled, An act for repairing and widening the road from the west end of the town of Burton upon Trent, in the county of Stafford, through the said town, to the south end of the town of Derby, in the county of Derby.

CAP. LII.

An act for repairing and widening the road from Workshop, in the county of Nottingham, through the towns of Gateforth, Anston, Aston, Handsworth, and Darnall, to the north east end of Attercliffe, in the county of York, where the same joins the turnpike road from Bawtry to Sheffield.

CAP. LIII.

An act for repairing and widening the roads from the High Bridge in Spalding, to a certain place called Tydd Goat, in the county of Lincoln; and from Sutton Saint Mary's, to Sutton Wash, in the said county.

CAP. LIV.

An act for enlarging the term and powers granted by an act, passed in the twenty fourth year of the reign of his late Majesty, intituled, An act for making, widening, and keeping in repair, several roads in the several parishes of Lambeth, Newington, Saint George Southwark, and Bermondsey, in the county of Surrey, and Lewisham, in the county of Kent; and for repairing Lambeth Back Lane, and for lighting and watching the said roads.

CAP. LV.

An act for establishing a regular and nightly watch, and for maintaining, regulating, and employing the poor within the parish of Saint Clement Danes, in the liberty of Westminster, and county of Middlesex.

CAP. LVI.

An act for the better relief and employment of the poor in the hundred of Blything, in the county of Suffolk.

CAP. LVII.

An act for the better relief and employment of the poor in the hundred of Bosmere and Claydon, in the county of Suffolk.

CAP. LVIII.

An act to amend and render more effectual an act passed in the twenty ninth year of the reign of his late majesty King George the Second, intituled, An act for the better relief and employment of the poor in the hundreds of Colneis and Carlford, in the county of Suffolk.

CAP. LIX.

An act for the better relief and employment of the poor, in the hundred of Samford, in the county of Suffolk.

CAP. LX.

An act for the more effectual relief and employment of the poor, within the city of Gloucester, and for lighting the streets of the said city.

CAP. LXI.

An act for repairing and widening the road from Derby to Mansfield, in the county of Nottingham, and several other roads therein mentioned.

CAP. LXII.

An act for continuing the terms of, and amending, the acts for repairing several roads leading from Ledbury, in the county of Hereford; and for widening and amending the road through the parish of Bromesberrow, in the county of Gloucester, and through Corfe Lawn, till it meets the road from Gloucester to Worcester.

CAP. LXIII.

An act for amending and widening the road from a place near the village of Milford, through Haslemere, to the Portsmouth road, between Lippock and Rake, in the several counties of Surrey, Sussex, and Southampton.

CAP. LXIV.

An act for amending and widening the road from Tinsley in the county of York, to the town of Doncaster, in the said county.

CAP. LXV.

An act for amending and widening the road from the south end of the town of Rotherham in the county of York, to the present turnpike road, near Pleasley, in the county of Derby, and also the road from the north end of the said town of Rotherham, into the present turnpike road on the east side of Tankersley Park, in the said county of York.

CAP. LXVI.

An act to continue the term, and enlarge the powers, of an act passed in the seventeenth year of the reign of his late Majesty, for repairing the road between the town of Kingston upon Hull, and the town of Beverley, in the east riding of the county of York; and for repairing the road from Newland Bridge, to the west end of the town of Cottingham, in the said riding.

C A P. LXVII.

An act for repairing, widening, and keeping in repair, the high roads leading from Alfreton in the county of Derby, through Carters Lane, to a certain place in the town of Mansfield, called Stockwell, and from the Bridle Gate at the division of the liberties of Blackwell and Hucknall, through the town of Sutton in Ashfield, to the Mansfield and Newark turnpike, at or near Python Hill, in the forest of Sherwood, in the county of Nottingham.

C A P. LXVIII.

An act for continuing and enlarging the term and powers of an act made in the twenty eighth year of the reign of his late majesty King George the Second, intituled, An act for repairing and widening the road from Rochdale to Burnley, in the county of Lancaster.

C A P. LXIX.

An act for repairing and widening the road from the west end of Baxter Gate, in the town of Whitby, to the south end of Lockton Lane, in the parish of Middleton, in the county of York.

C A P. LXX.

An act for enlarging the term and powers of two acts of the twelfth of King George the First, and of the third of his late Majesty, for repairing several roads therein mentioned, in the county of Salop; and also for amending and widening the road from the sign of the Horse Shoe in Uckington, to Longnor Green; and also from the west end of Hatcham Bridge, to the Cross Houses upon the Bridge-north turnpike road, in the said county.

C A P. LXXI.

An act for extending the provisions of an act, passed in the twenty fifth year of his late Majesty, for repairing the roads from the north end of Malling Street, near Lewes, and other roads in Suffex, to the road leading from the north end of Offham, to the Spital Barn in Lewes aforesaid.

C A P. LXXII.

An act for continuing one moiety of the duties, granted by an act of the eleventh and twelfth year of King William the Third, for the repair of Dover Harbour, and which have been by several other acts, continued till the twelfth day of May, one thousand seven hundred and sixty five; and for applying

applying the same to compleating and keeping in repair the harbour of Rye, in the county of Suffex, and for more effectually compleating and keeping in repair the said harbour.

C A P. LXXIII.

An act for paving, repairing, and cleansing, the streets, lanes, alleys, and publick passages, within the town of Whitby, in the county of York; and for preventing incroachments and annoyances therein; and for regulating the carriages, cartmen, and porters there.

C A P. LXXIV.

An act for amending and supplying the deficiencies of an act passed in the second year of the reign of his present majesty King George the Third, intituled, An act to amend and render more effectual, several acts made for cleansing and enlightening the streets of the town of Kingston upon Hull, and for preventing annoyances therein.

C A P. LXXV.

An act for supplying the borough and town of Wigan, in the county of Lancaster, with fresh and wholesome water.

C A P. LXXVI.

An act for repairing and widening the road from Beverley to Kexby Bridge, in the county of York.

C A P. LXXVII.

An act for continuing and enlarging the term and powers of an act made in the twenty sixth year of the reign of his late Majesty, intituled, An act for repairing and widening the road leading from Piper's Inn, in the parish of Ashcot, in the county of Somerset, to and through Glastonbury and Wells to the White Post, in the great western road, to the city of Bath, and from Wells to Rush Hill, leading to the city of Bristol; and for repairing and widening several other roads leading from the city of Wells.

C A P. LXXVIII.

An act for explaining and amending an act made in the twenty sixth year of the reign of his late majesty King George the Second, intituled, An act for amending, widening, and repairing the road leading from Dover to Barham Downs, in the county of Kent; and also for amending, widening, and repairing the road leading from Cowgate and Archcliffe Fort, in Dover, through Folkstone, to the town of Hythe, in the said county.

CAP. LXXIX.

An act to enlarge the term and powers of so much of an act of the twenty ninth year of the reign of his late Majesty, for repairing and widening several roads, therein described, leading from the town of Tewkesbury, in the county of Gloucester, as relates to the first district of roads therein mentioned; and for amending the road from Comb Hill, to a bridge near Norton Mill, in the county of Gloucester, and from Eckington Bridge, to join the turnpike road which leads from Upton on Severn to Perthore, in the county of Worcester.

CAP. LXXX.

An act for repairing and widening the roads from Spalding High Bridge, to the market place in Donington, and from the tenth mile stone, in the parish of Golbertown, to the eighth mile stone, in the parish of Wigtoft, in the county of Lincoln.

CAP. LXXXI.

An act for amending, widening, and keeping in repair, several roads leading from the Bucks Head at Watling Street, to Beckbury, and the New Inn; and from the Birches Brook to the Hand Post, in the parish of Kemberton, in the county of Salop.

CAP. LXXXII.

An act for widening and repairing the road leading from Ashborne, in the county of Derby, over Belpar Bridge, to the present turnpike road from Sheffield and Chesterfield to Derby, at or near a place called Openwood Gate, and from Belpar Bridge to Ripley, in the county of Derby.

CAP. LXXXIII.

An act for repairing and widening the road from Bramcote Odd House, in the county of Nottingham, to the Cross Post upon Smalley Common, in the county of Derby, and from Ilkeston to the towns of Heanor and Shipley, in the said county of Derby, and from Trowell, in the county of Nottingham, to the town of Nottingham.

CAP. LXXXIV.

An act for repairing and widening the roads from Melton Mowbray, in the county of Leicester, to the Guide Post in Saint Margaret's Field, Leicester, and from the town of Leicester, to the town of Lutterworth, in the said county, and other roads therein mentioned.

CAP.

CAP. LXXXV.

An act for repairing and widening the road from Scots Dyke, in the county of Dumfries, by or through the villages of Langholm and Hawick to Harems, in the county of Roxburgh.

CAP. LXXXVI.

An act to amend and render more effectual two several acts passed in the twenty fourth and twenty eighth years of the reign of his late Majesty, for repairing the high roads in the county of Edinburgh, to and from the city of Edinburgh, and from Cramond Bridge to the town of Queensferry, in the county of Linlithgow.

CAP. LXXXVII.

An act for repairing several roads leading from the town of Bideford, in the county of Devon.

CAP. LXXXVIII.

An act for amending, widening, and keeping in repair, several roads leading from the town of Cardiff, and several other towns and places in the county of Glamorgan.

CAP. LXXXIX.

An act for the better relief and employment of the poor in the hundred of Mutford and Lothingland, in the county of Suffolk.

CAP. XC.

An act for the better relief and employment of the poor in the hundreds of Loddon and Clavering, in the county of Norfolk.

CAP. XCI.

An act for the better relief and employment of the poor in the hundred of Wangford, in the county of Suffolk.

CAP. XCII.

An act for the better paving of the streets and lanes, and for preventing nuisances and other annoyances, in that part of the parish of Portsea, in the county of Southampton, commonly called Portsmouth Common.

CAP. XCIII.

An act for the better supplying the town of Knaresborough, and that part of the township of Scriven with Tenter Gate adjoining upon the said town, with water.







T H E
STATUTES at Large, &c.

Anno quinto GEORGII III^a *Regis.*

CAP. I.

An act for the importation of salted beef, pork, bacon, and butter, from Ireland, for a limited time.

WHEREAS the permitting the importation of salted beef, pork, bacon, and butter, into the kingdom of Great Britain, from Ireland, for a limited time, may, at this time, be a great advantage to both kingdoms; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the importation of all salted beef, pork, bacon, and butter, into the kingdom of Great Britain, from Ireland, shall be, and is hereby permitted, allowed, and authorized, for and during the term of twelve months from the commencement of this act; and that all persons shall be, and are hereby exempted, freed, and discharged, from the payment of all subsidies, customs, rates, duties, or other impositions, and also from all penalties, forfeitures, payments, and punishments, for or upon account of importing or bringing salted beef, pork, bacon, or butter, into the kingdom of Great Britain, from Ireland, during the term aforesaid, other than such as herein after are mentioned in respect thereof; any act or acts of parliament to the contrary notwithstanding.

Preamble.

The importation of salted provisions allowed from Ireland for 12 months;

II. Provided always, and, to the intent that the revenue arising from salt may not be prejudiced by such importation of salted beef, pork, bacon, or butter, from Ireland, be it enacted, That from the commencement of this present act, during the continuance thereof, there shall be paid to such officer as the commissioners for the duties on salt for the time being shall appoint, at the port in Great Britain into which such salted beef, pork, bacon, or butter, shall, in pursuance of this act, be imported from Ireland, and before any part thereof shall be delivered out to the person or persons to whom the same shall be long, or be consigned, the sum of three shillings and four pence for every barrel or cask of salted beef or pork to be imported during the continuance of this act, containing thirty two gallons, and so in proportion for any greater or lesser quantity; and for every hundred weight of bacon, salted beef called dried beef,

upon payment of the following salt duties; viz. 3s. 4d. per barrel for beef or pork;

ss. 3d. per
100 weight
for all dried
beef, neats
tongues, and
hog-meat;
and 4d. per
100 weight
for all salted
butter;
and so in pro-
portion for all
lesser quanti-
ties.

The duties to

Provisions
landed with-
out the said
duties being
first paid, are
forfeited; to-
gether with
20s. per bar-
rel for all beet
and pork, and
20s. per 100
weight for all
dried meat
and butter.

Recovery; mi-
tigation, and
application,
of the penal-
ties.

No drawback
to be allowed
on the expor-
tation thereof
elsewhere.

beef, dried neats tongues, and dried hog-meat, the sum of one shilling and three pence; and for every hundred weight of all such salted butter, the sum of four pence; and so in proportion for any greater or lesser quantity than an hundred weight of any such salted beef called *dried beef*, bacon, dried neats tongues, or dried hog-meat, as or for custom or for duty, on or in respect thereof: the money so arising by the importation of the said salted beef, pork, bacon, dried beef, dried neats tongues, dried hog-meat, or butter, to be paid into his Majesty's exchequer, as part of the duties on salt, laid by an act of the fifth year of the reign of his late majesty King *George* the Second, and continued by several subsequent acts.

be paid over into the exchequer as part of the duties on salt.

III. And be it further enacted by the authority aforesaid, That if any person or persons shall, after the commencement and during the continuance of this act, land any such salted beef, pork, bacon, or butter, or any salted beef called *dried beef*, dried neats tongues, or dried hog-meat, into the kingdom of *Great Britain*, from *Ireland*, before payment of the duty or duties by this act specified and directed, the same shall be forfeited and lost, and twenty shillings *per* barrel for every barrel or cask of such salted beef or pork, and twenty shillings *per* hundred weight for every hundred weight of such bacon, salted beef called *dried beef*, dried neats tongues, dried hog-meat, or salted butter, and so in proportion for any greater or lesser quantity, to be recovered of the importer or proprietor thereof; and that it shall and may be lawful to and for any person or persons, being an officer or officers of the customs, or of his Majesty's duties upon salt, to take and seize all such commodities as shall be imported and landed contrary to the true intent and meaning of this act, together with the casks, vessels, and package containing the same; and that all such penalties and forfeitures shall be distributed in manner following; that is to say, one moiety thereof to the King, his heirs, and successors, and the other moiety thereof, to the person or persons who shall seize, sue, or inform for the same; to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of *exchequer* in *Scotland*; or may be sued for, recovered, and mitigated, as any forfeiture or penalty may be sued for, recovered, and mitigated, by any of the laws relating to the duties on salt.

IV. Provided always, and be it hereby enacted, That no drawback shall be allowed or paid for any such salted beef, pork, bacon, or butter, so imported into the kingdom of *Great Britain*, from *Ireland*, and which shall be exported from *Great Britain* elsewhere.

V. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants in any such action or suit, may plead the

General issue. general issue, and give this act, and the special matter, in evidence,

at

at any trial to be had thereupon; and that the same was done in pursuance and by the authority of this act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants: and if the plaintiff shall be nonsuited, or discontinue his action, after the defendant or defendants shall have appeared; or if judgement shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as any defendant or defendants hath or have in other cases by law. Treble costs.

C A P. II.

An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and sixty five.

Preamble. Malt act of 1 George III. further continued to 24 June, 1766. Malt in Scotland to pay 3d. per bushel. Mum 10s. per barrel. Cyder and perry made for sale, 4s. per hoghead. How these duties are to be raised, &c. 20,000l. to be raised in Scotland. Surplus to be added to the fisheries, &c. This act to relate to the same day and time as the act 1 Geo. III. did. Malt brought from Scotland by sea, to be entered at the port of landing; brought by land, to be entered at Berwick or Carlisle. Cyder for distilling not chargeable. Distiller to give notice to officer when he distils cyder. Allowances for exportation of malt, 1 W. & M. On certificate of malt being exported, and security, allowance to be paid. Penalty on relanding. Malt steeping for exportation to be kept separate till measured. Maltsters to give notice to officers, &c. Penalty on opening the locks, &c. Maltsters, on 24 June, 1765, to clear out of their warehouses all malt within fifteen months. And so all future maltsters. Clauses in act 21 Annæ, & 6 Geo. 1. 5s. per bushel penalty on all corn steeping, or steeped for malt, which shall be found in the cistern or couch, so hard and compact as it could not be unless the same had been forced together to prevent the rising. 100l. penalty on fraudulently conveying from the cistern, any steeping of corn, and mixing the same with other corn charged with the duty in the couch; or fraudulently conveying the same away, so that no gauge of such corn can be taken in the couch. Penalties how to be recovered. Buyers of cyder or perry for their private use, not to be charged. Persons selling less than 20 gallons to be deemed retailers. Clause of loan at 3l. 10s. per cent. Tallies of loan to be struck, &c. Orders registered and paid in course. No fee for registering, &c. Penalty for undue preference. No undue preference, where tallies are dated or brought the same day; nor if subsequent orders be paid before such as were not demanded in course. Orders assignable. Commissioners of the treasury empowered to prepare any number of exchequer bills of one common sum, or different sums, in the principal monies. Bills to bear interest at 3l. 10s. per cent. per ann. These bills to be numbered arithmetically. Treasury to direct the course of payment for loans or exchequer bills, and to appoint cheques, &c. The bills to be placed as cash in the exchequer, and to be issuable thereout in common with other monies, and to be current in the revenue. Receivers to exchange bills for ready money. Tallies to be levied for bills lent into the exchequer. Interest to continue till payment. Interest to cease whilst the bills are in the hands of receivers, &c. Bills paid to receivers, &c. to be signed and dated. Interest to be allowed to the said days. The bills may be re-issued both for principal and interest. Receivers to keep a book. Bills filled up by indorsements, or defaced, to be exchanged. Bills not exceeding 5000l. each, to be made forth at the exchequer. Forging exchequer bills, felony. How the monies arising by this act shall be applied. Treasury on 29 Sept. 1766, to take an account of all monies raised and discharged. Unsatisfied monies to be paid out of the next aid, or out of the

sinking fund. Commissioners to appoint persons to pay off principal sums which shall from time to time be in course of payment upon exchequer bills. Money, as brought in, to be paid to the paymasters. Bills to be registered in course. When interest to cease. Paymasters liable to the controul of the treasury. Treasury to settle salaries of clerks, &c. and to contract with persons to circulate bills, &c. Contractors not disabled from being members of parliament: may lower or raise the interest with consent of treasury. Contractors how to be paid. No fee to be taken. No interest for less than one penny. Charges to be paid out of the sinking fund: to be replaced out of the first supplies. Clause of relief for bills lost or destroyed. Bills discharged to be cancelled. Sinking fund appropriated to discharge national debts incurred before 25 Dec. 1716. Deficiency of malt tax, 3 Geo. 3. how to be supplied. Arrears of former duties to be applied in aid of the supplies granted for the year 1765.

C A P. III.

An act for extending the time granted by an act passed in the third year of the reign of his present Majesty, for allowing his Majesty's subjects to import their goods and effects, being the produce of certain places ceded to France and Spain by the late treaty of peace, upon payment of the same duties as they would have been liable to if the same places had remained in his Majesty's possession.

Preamble
reciting act
3 Geo. 3.

WHEREAS by an act of parliament passed in the third year of the reign of his present Majesty, intituled, An act for raising a certain sum of money by loans or exchequer bills, for the service of the year one thousand seven hundred and sixty three; and for further appropriating the supplies granted in this session of parliament; and for allowing his Majesty's subjects to import their goods and effects, being the produce of certain places ceded to France and Spain by the late treaty of peace, upon payment of the same duties as they would have been liable to if such places had remained in his Majesty's possession; reciting, That, by the definitive treaty of peace between his Majesty and the crowns of France and Spain, ratified the tenth day of March, one thousand seven hundred and sixty three, the islands of Guadeloupe, Marie Galante, Desirade, Martinico, and Goree, are ceded to France, and all that his Majesty had conquered in the island of Cuba is ceded to Spain; and the term of eighteen months, to be computed from the day of the ratification of the said treaty, is thereby allowed to British subjects to transport their effects from those islands; and also reciting, That the produce of those places, imported into this kingdom after the restitution thereof to France and Spain, would be subject to higher duties than they were liable to during the time they remained in his Majesty's possession; and that to the end his Majesty's subjects, having effects in the places before-mentioned, might have all due encouragement and opportunity to bring the same from thence, it is enacted, That it should and might be lawful for any of his Majesty's subjects to import into this kingdom, at any time before the first day of November, one thousand seven hundred and sixty four, and no longer, in British ships navigated according to law, directly from the places before-mentioned, any goods or effects being the growth

growth or produce thereof respectively, upon payment of such and the like customs and duties only, as would be due and payable for the same if such places had remained and were in the possession of his Majesty; any law, custom, or usage, to the contrary notwithstanding: and whereas many of his Majesty's subjects, under sanction of the said act, sent out ships for the purpose of importing their goods and effects from the said places into this kingdom; which ships, from various circumstances, could not arrive in any of the ports of Great Britain before the said first day of November, one thousand seven hundred and sixty four, the time limited by the said act: and whereas several of the said ships arrived in Great Britain since the said first day of November, one thousand seven hundred and sixty four, and the goods and effects therein imported, are now detained, being subject to further customs and duties than they would have been subject to if the said ships had arrived before the said first day of November, one thousand seven hundred and sixty four; and several other of the said ships are not yet arrived: in order therefore that his Majesty's said subjects may have relief, agreeable to the good intentions of the said act, may it please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said goods and effects, so imported as aforesaid since the said first day of November, one thousand seven hundred and sixty four, shall be subject to such and the like customs and duties only, as they would have been subject and liable to if they had been imported into this kingdom any time before the said first day of November, one thousand seven hundred and sixty four; and it shall and may be lawful for any of his Majesty's subjects to import into this kingdom, at any time before the first day of May, one thousand seven hundred and sixty five, and no longer, in *British* ships navigated according to law, directly from the places before-mentioned, any goods or effects being the growth or produce thereof respectively, upon payment of such and the like customs and duties only, as would be due and payable for the same if the same places had remained and were in the possession of his Majesty; any law, custom, or usage, to the contrary notwithstanding.

Goods and effects imported since 1 Nov. 1764, are to pay such duties only, as they would have been liable to, if imported before the said time; and such as shall be duly imported, in like manner, at any time before 1 May, 1765, are to be admitted to like payment also.

CAP. IV.

An act to indemnify such persons as have omitted to qualify themselves for offices and employments; and to indemnify justices of the peace, deputy lieutenants, officers of the militia, or others, who have omitted to register or deliver in their qualifications within the time limited by law, and for giving further time for those purposes.

Preamble, reciting the several qualifying acts of 1 Geo. 1. 13 Car. 2. 25 Car. 2. 30 Car. 2. 18 Geo. 2. and 2 Geo. 3. Further time to 28 Nov. 1765, allowed to persons who have omitted to qualify themselves, as the

said laws direct. Persons qualifying themselves in manner, and within the time appointed, recapacitated and indemnified. Offices, &c. already avoided by judgement of a court, and filled up, confirmed. None indemnified where final judgement hath been given for the penalty incurred.

C A P. V.

An act for granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and sixty five.

2,037,854l. 19 s. and 11 d. to be raised in Great Britain. 1,989,900l. 18 s. and 9 d. to be raised in England, in one year, from 25 March, 1765. Personal estates (except desperate debts, stock on land, household goods, and loans to his Majesty) to pay 4 s. in the pound. Employments of profit (except military officers of the army or navy) to pay 4 s. per pound. Pensions and annuities out of the exchequer, &c. to pay, &c. lands, tenements, mines, &c. to be charged with equality and indifference, &c. Lands, &c. subject to rent-charges, annuities, &c. Commissioners of the land tax for the year 1765, to put this act in execution. Commissioners to meet on or before the 10th of April, 1765, as by the act 4 W. & M. and may subdivide themselves, &c. A list of the commissioners to act in each division, to be given to the receiver-general. Commissioners to summon fit persons to be assessors, who are to appear before them in 8 days; and then to give them a charge. Persons absenting, or refusing to serve, forfeit, not exceeding 5 l. nor less than 40 s. Assessors to be two at least, and sufficient inhabitants. Assessments to be brought in at a day and place prefixed. The full sum charged to be assessed. A certificate of the assessment to be brought in, with the collectors names. Assessors, &c. neglecting their duty, to be fined not above 40 l. Assessors to deliver one copy of the assessments to the commissioners. Duplicates thereof to be signed, &c. and one delivered to the collectors, &c. with warrant for collecting. Commissioners required to give collectors notice at what time and place the appeal of any person who shall think himself aggrieved, by being over-rated, may be heard and determined. A duplicate in parchment to be delivered, together with the names of the assessors and collectors, to the receiver-general; and one to the remembrancer's office, by 8 August 1765, or 30 days after (all appeals first determined.) Remembrancer to give receipts gratis, on penalty of 10 l. The rates to be levied on the parties, or premises, and to be paid to the receivers-general, &c. The money collected to be paid to the receiver-general, or deputies; and they to give commissioners notice. Collectors not obliged to travel above 20 miles. Removal or death of receiver-general to be notify'd to the commissioners. 497,475 l. 4 s. and 8 d. 1 q. for the first quarterly payment, to be paid to the receivers by 24 June, 1765. The second payment by 29 Sept. 1765. The third payment by 25 Dec. 1765. The last payment by 25 March, 1766. Receiver-general within a month after receiving the full sum charged, to give the commissioners a receipt: which shall be a full discharge for payment. Receivers-general within 10 days to pay the monies into the exchequer. Receiver-general allowed 2 d. in the pound. Collectors to have 3 d. in the pound. Commissioners clerks to have three halfpence in the pound. Collectors may levy by distress in case of refusal of payment. Distress to be kept four days at the owner's charge; then appraised and sold, and overplus returned, &c. Commissioners to determine differences about distress. For want of distress, offender may be committed, (except a peer or peeress of Great Britain) tenants to pay the tax, and deduct so much out of the rents. Tenants discharged for what they so pay. Commissioners to settle differences between landlord and tenant. Commissioners to cause all deficiencies to be re-assessed, and made good. Assessor refusing to serve, to forfeit, not exceeding 40 l. Fine not to be discharged but by commissioners who imposed it; and levied by distress or imprisonment, and paid into the exchequer, and inserted in the duplicates. Collectors detaining the money, to be imprisoned,

ed, their estates seized and sold, &c. Commissioners to examine whether the sums assessed be duly collected, &c. In case of controversies in assessing commissioners, the commissioners concerned to withdraw. In default to be fined, not above 20 l. No privileged place or person exempt from this tax. Fee-farm rents, &c. to be taxed. Tenants to pay the rates. Colleges, &c. in the universities, &c. not chargeable: nor the houses or lands which before the 25th of March, 1693, did belong to Christ's hospital, &c. Nor corporation of clergymen's sons, Bromley college, or any other hospitals. No tenants of hospitals, &c. to claim any exemption. Such tenants not discharged, who by leases are obliged to pay taxes. Commissioners to determine how far lands, &c. belonging to hospitals, &c. not exempted by name, ought to be charged. All hospitals, lands, &c. assessed by 4 W. & M. liable to this aid, and no other. Receivers of fee-farm rents, &c. to allow 4 s. per pound to the parties, without fee, on penalty of 20 l. Auditors, &c. setting tenants *in super* for what ought to be allowed, or refusing allowance, to forfeit 100 l. Such fee-farm rents only to have an allowance of 4 s. per pound, as are answerable to the crown, or were purchased according to 22 & 23 Car. 2. The owners to allow the same to the party paying. Lists of pensions, &c. to be delivered gratis to the assessors. Taxes on pensions, &c. not paid, to be slooped in the exchequer. A true account to be kept of the money slooped. Persons to be taxed in the parish where they dwell. No proviso to lessen the full sum by this act to be levied. Contracts between landlord and tenant, touching taxes, not to be avoided. All places to pay where usually assessed. West Barnfield to be assessed in the lathe of Skray, Com' Kent. Northmore, Com' Oxon. in Bampton. Charlbury, &c. in Chadlington. Leeds, Com' Ebor. in Skyrack. Ombersley, Com' Worcester, in Oswaldslow hundred. Aldemaston, in Oswaldslow hundred. Parish of Yardley, in Halfshire hundred. Forest of Chute, where the first 4 s. aid was assessed. Upton, in Pershore hundred. Calder and Ayre, at Wakefield and Leeds. Inhabitants of apartments, &c. in Somerset House, to be assessed in the same proportion with those in Lancaster liberty. General issue. Treble costs. Where lands, &c. are unoccupied, and no distress found, Collectors may distrain at any time after. Wood may be cut down, and sold for distress. (Timber trees excepted) Tithes, tolls, &c. not paid within 6 days after demand, &c. may be seized and sold. Receiver-general returning persons, who have paid the tax, to be in arrear, forfeits treble damages to the party grieved, and to his Majesty double the sum so returned. Commissioners to assess the assessors. None compelled to be assessors out of the limits of the city, &c. Assessments on foreign ministers houses to be paid by the landlords. In places extraparochial commissioners to nominate assessors and collectors, &c. No commissioner, &c. liable to any other penalties than such as are inflicted by this act. Commissioners not to act without taking the oaths by 1 Geo. 1. &c. Acting before oaths taken, forfeit 200 l. Officers to pay where employed, &c. Officers in Chancery to be assessed in the rolls liberty. Annuities where rated. Pensions, where payable. Personal estates, where persons resident, &c. Persons not householders, where resident. Absent persons to be rated where they were last resident. Goods, &c. to be assessed where they shall be. Persons doubly rated, discharged on certificate. Not to extend to Scotland, Ireland, Jersey, or Guernsey. Persons avoiding the tax charged treble. Householders to give an account of their lodgers, on forfeiture of 5 l. Shares in the New River, &c. to pay 4 s. per pound. Shares in the Fire Offices, and in the Lights, and the King's Printing House to pay 4 s. per pound. Merchants, bank of England, post office, &c. to be paid by the governors. Governors, &c. of the river-waters, and water works, refusing to pay, the collectors empowered to levy the sum by distress and sale. Papists 18 years of age not taking the oaths 1 W. & M. to pay double: unless taken within 10 days after the commissioners first meeting. Persons 18 years of age refusing the oaths, to pay double. Commissioners to summon suspected persons, &c. Quakers to subscribe the declaration 1 W. & M. Commissioners to double assess Papists, where assessors omit. Tenants discharged from double rates. King's Bench,

Bench, Marshalsea prison, &c. to be assessed in Saint George's parish, &c. Officers of the Marshalsea court refusing to pay, &c. Collectors by warrant from commissioners may distrain. If no goods sufficient, officer to be imprisoned. Fleet prison to be assessed in St. Bride's. Officers at Stoke Damrel, near Plymouth, to be assessed within the town of Plymouth, &c. Hospital at East Stonehouse to be assessed also within the town of Plymouth, &c. 20l. to be paid out of the sum assessed on the said officers, in aid of the assessment on East Stonehouse. Water-works in Southwark to be assessed in Surrey. Water-works in Westminster to be assessed there. Offices, &c. in Whitehall and St. James's, to be there assessed. Collectors of the water-works in Colchester chargeable. Collectors for the water-works in New Windsor, chargeable. Patent officers to bishopricks to pay where assessed in 1693. Commissioners appointed to act, without subdividing the parish of St. Andrew Holborn, in Middlesex. The parish of St. George Hanover Square to be charged with a distinct quota from the parish of St. Martin in the fields. Debates arising concerning the joint quota; the commissioners who are inhabitants of either parish to withdraw, or to be fined a sum not exceeding 20l. The parishes of St. John, St. Peter, and Berchington, to be charged in Dover liberty, according to the assessment 4 W. & M. Lands not worth 20s. per annum, not chargeable. Collectors keeping monies in their hands, to forfeit 40l. Receiver-general misapplying the monies to forfeit 500l. Commissioners of the treasury, &c. not to divert the payments into the exchequer. No *Noli prosequi*, &c. in any suit against this act. Commissioners to abate where lands are overcharged, and to re-assess, &c. or raise it on persons undercharged. Receiver-general answerable for deputies. Sub-collector not to travel above ten miles, &c. Receivers not nominating deputies, &c. to forfeit 100l. Commissioners for the county at large may act for any city, &c. Mayors, bailiffs, &c. to act as commissioners specially appointed. Members of parliament to be taxed at their mansion-houses. First meeting for the west riding of York at Pontefract; north riding at Thirsk; east riding at Beverley. No commissioner capable to act in any county at large, unless rated at 100l. per ann. (Merioneth, Cardigan, &c. excepted.) Commissioners for Anglesea, &c. to act, if taxed at 60l. per ann. Commissioners may act for any city, being inhabitants, or inns of court, &c. Attornies, &c. not to be commissioners, without possessing 100l. per ann. No commissioner of the city of London, or liberty of St. Martin le Grand, to act, unless rated at 20l. per ann. of his own estate, &c. No commissioner of the city, &c. of Westminster to act, unless rated at 20l. per ann. of his own estate. Persons disabled, presuming to act, to forfeit 50l. Collectors of the new water-works in Exon, chargeable. Her Majesty the Queen not chargeable; nor her royal highness the princess dowager of Wales; nor his royal highness the duke of Cumberland, nor the princess Amelia. Superannuated sea-officers not to pay, &c. nor poor knights of Windsor. Residentiaries in what cases not chargeable. Nor 100l. per ann. to the poor clergy of the isle of Man. Nor pages of honour. Receivers-general to give notice of failures in payment of the taxes. Commissioners for Lincoln to act in Lincoln Close. And for the county, in St. Martin Stamford Baron. Auditor to keep a register, &c. Deputies to pay for principals, and on nonpayment liable to distress. Receiver-general to give a list of money received by him, at the time and place appointed. On refusal, to forfeit any sum not exceeding 20l. Collectors may keep so much money as any 2 commissioners judge reasonable. No receiver to return an *Insuper* upon any county, &c. after 3 years, for monies in arrear; but the same to be a debt on him and his securities. Sheriff, on writs of *Disfringas*, to return issues after the rate of 5l. per cent. of the sum set *insuper*; and process to issue thereupon, &c. Water-works in Shrewsbury chargeable. Who shall have the benefit only of overplus sums unchanged. Clause for the ease of protestants, to whom lands, &c. have come, which have been doubly taxed. Where lands formerly doubly taxed are liable only to a single assessment; Commissioners, on complaint, to examine into the truth thereof, and to certify the same to the barons of the Exchequer, before 29 Sept. 1765; who are to discharge the overplus before the last day of Nov. 1765. Certificates of

the sums discharged to be produced to the commissioners at their next meeting. Commissioners may summon collectors, who have converted land tax monies to their own use, or their heirs, &c. and on examination may issue their warrants for paying such monies to his Majesty's use. The payments made according to the commissioners warrants, &c. shall be discharges to the collectors, or their heirs, &c. Collectors not paying, may be imprisoned, and their estates seized and sold. Arrears of former land taxes to be levied by the present commissioners. No receiver-general, or his agents, may sue the county for a robbery, unless the persons carrying the money be 3 in company. Tolls or duties on turnpikes not chargeable by this or any former act. Commissioners may, before 29 Sept. 1765, summon assessors, who have not charged their estates since 6 May, 1717, and examine them upon oath, and award satisfaction, to be levied and paid to the collectors. Commissioners, &c. to distinguish and set down the gross sums assessed for double taxes, to be transmitted in the exchequer. Assessments on the town of Cambridge to be raised on manors, &c. and on fishings, &c. on the river Cam. On whom, and when, yearly assessments on fairs, &c. to be collected. Distress on default of payment, how to be levied. Tenants of booths, &c. to pay the rates, and deduct them out of their rents, &c. 47,954 l. 1 s. 2 d. to be raised in Scotland, by an 8 months cess of 5,994 l. 5 s. 1 d. 3 q. per mensem; to be rated as the tax roll now is or shall be settled by themselves. The first two months cess to be paid by 24 June, 1765. Second 29 Sept. 1765. Third 25 Dec. 1765. Fourth 25 March, 1766. Commissioners for putting this act in execution in Scotland. And execution to be done as by the said acts. First meeting to be at the head burghs on 30 April, 1765. All clauses in former acts relating to the bringing in the cess, &c. to be in full force. No persons in Scotland holden to produce their receipts after 3 years. Debtor owing money in Scotland at 6 per cent. to retain a 6th part of 6 per cent. from 11 Nov. 1764, to 11 Nov. 1765. 47,954 l. 1 s. 2 d. to be raised free of all charges, and to be paid at Edinburgh. No person to be a commissioner of the land tax in Scotland, who is not enfeoffed of 100 l. Scots per ann. real rent, in the county where he acts. Exception. Commissioners in Scotland to take the oaths, and subscribe the assurance. Provoost, &c. of any royal borough may act as a commissioner. Clause of loan at 3 l. 10 s. per cent. Tallies of loan to be struck, &c. Orders to be registered and paid in course. No Fee for registering, &c. Penalty for undue preference. No undue preference where tallies are dated or brought the same day: nor if subsequent orders be paid before such as were not demanded in course. Orders assignable. Commissioners of the treasury empowered to prepare any number of exchequer bills of one common sum, or different sums, in the principal monies. Bills to bear interest at 3 l. 10 s. per cent. per ann. These bills to be numbered arithmetically. Treasury to direct the course of payment for loans or exchequer bills, and to appoint cheques, &c. The bills to be placed as cash in the exchequer. Clauses in the malt tax act relating to exchequer bills, extended to this. How the monies arising by this act shall be applied. Treasury on 29 Sept. 1766, to take an account of all monies raised and discharged. Unsatisfied monies to be paid out of the next aid, or out of the sinking fund. The monies to be replaced out of the first supplies. Deficiency of the land tax, 3 Geo. 3. how to be supplied.

C A P. VI.

An act for the regulation of his Majesty's marine forces while on shore.

WH E R E A S it may be necessary for the safety of this kingdom, and the defence of the possessions of the crown of Great Britain, that a body of marine forces should be employed in his Majesty's fleet and naval service, under the direction of the lord high admiral, or commissioners for executing the office of lord high admiral.

of

of Great Britain : and whereas the said marine forces may frequently be quartered on shore, where they will not be subject to the laws relating to the government of his Majesty's forces by sea ; yet nevertheless, it being requisite for the retaining of such forces in their duty, that an exact discipline be observed, and that marines who shall mutiny, or stir up sedition, or shall desert his Majesty's service, be brought to a more exemplary and speedy punishment than the law will allow ; be it enacted, &c.

After 15 March 1765, during the continuance of this act, every marine officer and private man on shore, who shall mutiny or desert, &c. or lift in any other regiment, &c. or shall be found sleeping on, or shall desert, his post, or hold illegal correspondence with the enemies of his Majesty, or shall strike, or disobey his superior officer ; shall suffer death, or such punishment as a court-martial shall inflict. The lord high admiral, or commissioners for executing that office, may grant a commission to hold general courts-martial, &c. Courts-martial may inflict corporal punishment for immoralities, &c. Lords, &c. of the admiralty empowered to make articles for punishment of mutiny and desertion, &c. and to constitute courts-martial. None to be adjudged of life or limb, but for crimes expressed to be so punishable by this act. General court-martial not to consist of less than 13 ; and the president to be a field officer, or officer next in seniority, not under the degree of a captain. May administer an oath to witnesses. Officers to be sworn. The oath. The oath. The judge advocate to be sworn. The oath. In sentences of death, nine officers to concur, &c. Hours of trial. The party tried, intitled to a copy of the sentence and proceedings of the court martial. Original proceedings, &c. of courts-martial, to be transmitted to the secretary of the admiralty, &c. None to be tried a second time for the same offence. Sentence not to be revised more than once. Deserters beyond sea, &c. may be tried here or in Ireland. This act not to exempt any on shore from ordinary process. Persons acquitted by the civil magistrate, may only be cashiered by a court martial. Persons accused of capital crimes, &c. to be delivered over to the civil magistrate, &c. Fictitious names allowed by his Majesty's order upon the muster-rolls, for the maintenance of officers widows, not to be construed a false muster. Paymaster to pay the full pay of such men to the receiver. Constables, &c. to quarter officers and men in inns, ale-houses, &c. But in no distillers houses, or shopkeepers, or in any private houses. Penalty on officers quartering private men contrary to this act, &c. Persons aggrieved by being quartered on, may complain to any justices, and be relieved. Officers and marines to be furnished at the rates herein set for their provisions. What inn-holders may allow men quartered on them, instead of meat. Penalty on taking money to excuse any person from quartering. Commanding officer may exchange marines in their quarters. Constables to billet the same accordingly. No paymaster, &c. to make deductions out of officers or private mens pay. Exceptions. Officers to give notice to innkeepers of subsistence-money in their bands. Rates of subsistence to be paid to innkeepers, &c. for marines quarters. Officers not giving notice of subsistence-money, and paying quarters, paymaster to satisfy them out of the company's next pay, and officer to be cashiered. On moving from quarters, the officer to make up accounts, and give certificates for money due, &c. Paymaster to pay the sum certified for. Officers, &c. to be quartered in Scotland, as the laws in force at the union direct. Justices to order constables to provide carriages for the marine forces on their march. Rates for carriages. Penalty on officers forcing waggons to travel more than one day's journey, &c. Penalty on constables, &c. neglect. Treasurers of the county to repay the constable's extraordinary charges. The money for those purposes how to be raised. No waggon, &c. to carry above 20 hundred weight. Carriages in Scotland how to be provided. Marines wives, &c. not to be quartered without consent. Penalty. Penalty on officers and marines destroying the game.

Con.

Constables may apprehend deserters, and carry them before a justice. Justices to commit them, and transmit an account to the secretary of the admiralty. Gaol keeper to receive the subsistence of deserters. Reward for taking up deserters. Penalty on persons concealing deserters, or buying their arms, clothes, &c. This act to extend to deserters, &c. in Ireland. Continuance of this act. Offences against former acts may be enquired of and punished as under this act, provided no person be liable to be tried for offences committed 3 years before issuing their warrant for trial; except in cases of desertion only. No volunteer liable to process, unless for some criminal matter, or unless for a real debt of the value of 10l. Oath of the debt to be made before a judge, and a memorandum thereof marked on the back of the process; otherwise prisoner to be discharged, with costs. Plaintiff giving notice, may file a common appearance, and proceed to judgement and execution. Penalty on constables, &c. neglecting to quarter marines. Penalty on taking money to excuse any person from quartering, and on victuallers refusing to receive marines. To prevent abuses in quartering, justices may order constables to give an account of the number of officers, and private men, and where quartered. Clause for relief of persons hastily listing themselves. As often as it shall be necessary, officers of the marine and land forces may sit in conjunction upon courts-martial; taking rank according to the seniority of their commissions. Marine forces being borne as part of the complement of any ships of war, are liable to be governed by the rules established by act 22 Geo. 2.

C A P. VII.

An act for punishing mutiny and desertion; and for the better payment of the army and their quarters.

WHEREAS the raising or keeping a standing army within this kingdom, in time of peace, unless it be with consent of parliament, is against law: and whereas it is judged necessary by his Majesty, and this present parliament, that a body of forces should be continued for the safety of this kingdom, the defence of the possessions of the crown of Great Britain, and the preservation of the balance of power in Europe, and that the whole number of such forces should consist of seventeen thousand four hundred and twenty one effective men, including two thousand six hundred and twenty eight, invalids: and whereas, during the late just and necessary war in which his Majesty has been engaged against France and Spain, some part of his Majesty's forces, exceeding the number aforesaid, has been employed in distant parts beyond the seas, which must render the time when such forces may return home uncertain; some of which are intended to be broke, and others reduced, as soon after such arrival as conveniently may be: and whereas no man can be fore-judged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgement of his peers, and according to the known and established laws of this realm; yet nevertheless, it being requisite for the retaining all the before-mentioned forces in their duty, that an exact discipline be observed, and that soldiers who shall mutiny, or stir up sedition, or shall desert his Majesty's service within this realm, or the kingdom of Ireland, Jersey, Guernsey, Alderney, and Sark, or the islands thereto belonging, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow; be it therefore enacted, &c.

Preamble.

Number of
forces 17,421
including
2,628 invalids

After 24 March 1765, during the continuance of this act, every officer and private man, who shall mutiny or desert, &c. or lift in any other regiment, &c. or shall be found sleeping on, or shall desert, his post, or hold illegal correspondence with the enemies of his Majesty, or shall strike, or disobey his superior officer, shall suffer death, or such punishment as a court-martial shall inflict. The King may grant a commission to hold a court-martial, &c. Courts-martial may inflict corporal punishment for immoralities, &c. General courts-martial not to consist of less than 11; and the president to be field a officer, or officer next in seniority, not under the degree of a captain. May administer an oath to witnesses. Officers to be sworn. The oath. The oath. The judge advocate to be sworn. The oath. In sentences of death, nine officers to concur, &c. Hours of trial. The party tried, intitled to a copy of the sentence and proceedings of the court-martial. Original proceedings, &c. of courts-martial to be transmitted to the judge advocate general in London, &c. None to be tried a second time for the same offence, except in case of appeal. This act not to exempt soldiers from ordinary process. Penalty on false certificates to excuse soldiers from musters. Penalty on officers making false musters, &c. Fictitious names allowed by his Majesty's order upon the muster rolls, for the maintenance of officers widows, not to be construed a false muster. Muster-master to give notice of muster to mayor, &c. Penalty on muster-master neglecting so to do. Muster-rolls to be signed by the mayor, &c. Penalty on persons offering themselves to be falsely mustered. Horses falsely mustered, to be forfeited, &c. Forfeiture how to be levied. Officer embezzling, &c. military stores, to be cashiered and forfeit tool. and the damage to be made good by sale of his goods and chattels; for want of distrels, the person to be committed. Application of the forfeiture. Muster-master, &c. taking a muster to make oath. The oath. Muster-rolls, though transmitted without the oath indorsed to the paymasters general, to be good vouchers to the auditor. Penalty on agent, &c. detaining officer's or soldier's pay. Weekly rates. Penalty on agents disobeying of orders. Surgeon, &c. within ten miles of London, &c. to certify who are sick; and commanding officer, who are employed in raising recruits. Penalty on officer mustering persons by wrong names. Constables, &c. to quarter officers and men in inns, ale houses, &c. But in no distillers houses, or shopkeepers, or in any private houses. Penalty on constables, &c. quartering soldiers in private houses, &c. Penalty on officers quartering soldiers contrary to this act, &c. Persons aggrieved by being quartered on, may complain to any justices, and be relieved. No justice having any military office, to be concerned in billeting his soldiers. Officers and soldiers to pay rates for their provisions. What inn-holders may allow men quartered on them, instead of meat. Penalty on taking money to excuse any person from quartering. Dragoons, &c. and their horses, to be billeted in the same house. Manner of changing men and horses. Clause relating to a soldier's settlement for his wife and children. Officers, &c. to be quartered in Scotland, as the laws in force at the union direct. No paymaster, &c. to make deductions out of officers or private mens pay. Exceptions. Treasury may issue out the money due for cloathing, every two months. Paymasters to deduct the off reckonings. Officers to give notice to innkeepers of subsistence-money in their hands. Rates of subsistence to be paid to inn-keepers, &c. for soldiers quarters. Penalty on officers not paying subsistence-money. On nonpayment of quarters, the officer to make up accounts, &c. No muster in Westminster, &c. but in the presence of two or more justices. Constables, &c. may billet soldiers in Westminster, &c. Petty constables, &c. to quarter soldiers in their respective divisions. Constables, &c. to deliver lists at quarter sessions, on oath, of inhabitants, and soldiers quartered in their respective divisions; to be inspected without fee. Copies of such lists to be wrote by the clerk, at 2d. per sheet, containing 150 words. Penalty on default. Penalty on giving defective lists. How to be levied. This act to extend to Jersey, &c. Muster-rolls to be closed on the day of muster, and returned to the paymaster of the forces, &c. Penalty. Justices may order constables to provide carriages. Rates for carriages. Penalty on officers forcing waggons to travel more than 1 day's journey, &c. Penalty on constables, &c. neglect. Treasurers

urers of the county to repay the constable's extraordinary charges. The money for those purposes how to be raised. No waggon, &c. to carry above 30 hundred weight. Carriages in Scotland how to be provided. Soldiers wives, &c. not to be quartered without consent. Penalty on officers or soldiers destroying the game. How the account of every regiment shall be kept. Penalty on paymasters, &c. Penalty on colonels. Non-commission officer embezzelling soldier's pay to be reduced, &c. Justices may commit deserters. Reward for taking up deserters. Penalty on persons concealing deserters, or buying their arms, clothes, &c. Penalty on officer breaking open house without warrant. His Majesty empowered to make articles of war. None to be adjudged of life or limb, but for crimes expressed to be so punishable by this act. Deserters beyond sea, &c. may be tried here or in Ireland. This act to extend to deserters, &c. in Ireland, &c. Persons acquitted by the civil magistrate, may only be cashiered by a court-martial. Persons accused of capital crimes, &c. to be delivered over to the civil magistrate, &c. Paymasters, &c. to account with executors. Persons sued may plead the general issue. Treble costs. All suits to be brought in some of the courts of record at Westminster or Dublin, or the court of session in Scotland. Continuance of this act. Penalties against the act 1 Geo. 1. where to be sued for. No volunteer liable to process, unless for some criminal matter, or unless for a real debt of the value of 10l. Oath of the debt to be made before a judge, and a memorandum thereof marked on the back of the process; plaintiff may file a common appearance. Penalty on taking money to excuse any person from quartering; or victuallers refusing to quarter soldiers. Justices may order constables to give an account of the number of soldiers quartered, &c. How the troops are to pay in passing over ferries in Scotland. Clause for relief of persons hastily listing themselves. Persons refusing the said relief, to be proceeded against as if duly listed. Offences against former mutiny acts punishable by this act. None liable to be tried or punished for offences against former acts, unless committed within 3 years; except for desertion. Officers, &c. of the train of artillery subject to this act. American troops, acting in conjunction with British forces, liable to the same martial laws. Officers and soldiers of the American troops sent over to Great Britain, to be quartered and billeted as the British forces, and under the same regulations and penalties. This act not to extend to the militia farther than is directed by the militia laws. As often as it shall be necessary, officers of the land and marine forces may sit in conjunction upon courts-martial; taking rank according to the seniority of their commissions.

CAP. VIII.

An act for the more easy and speedy recovery of small debts within the hundreds of Blackheath, of Bromley and Beckenham, of Rokesly, otherwise Ruxley, and of Little and Lessness, in the county of Kent.

CAP. IX.

An act for the more easy and speedy recovery of small debts within the hundreds of Chippenham, Calne, and Damerham North, and the lordship or liberty of Corsham, in the county of Wilts.

CAP. X.

An act to permit the free importation of cattle from Ireland.

WHEREAS an act, passed in the thirty second year of the reign of his late majesty King George the Second, intituled, An Preamble.
act Act 32 Geo. 2.

The free importation of cattle from Ireland allowed for the term of 7 years; without payment of duties.

act to permit the free importation of cattle from *Ireland* for a limited time, *is near expiring*; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That from and after the end of this session of parliament, the free importation of all sorts of cattle into this kingdom from *Ireland* shall be, and is hereby permitted, allowed, and authorized, for and during the space of seven years, and from thence to the end of the then next session of parliament; and that all persons shall be, and are hereby, exempted, freed, and discharged, from the payment of all subsidies, customs, rates, duties, or other impositions, and also from all penalties, forfeitures, payments, and punishments, for or on account of importing or bringing cattle into this kingdom from *Ireland*; any act or acts of parliament to the contrary notwithstanding.

General issue.

II. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants, in such action or suit, may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants: and if the plaintiff shall be nonsuited, or discontinued his action after the defendant or defendants shall have appeared, or if judgement shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs; and have the like remedy for the same, as any defendant or defendants hath or have in other cases by law.

Treble costs.

CAP. XI.

An act for rendering more effectual an act made in the twelfth year of the reign of her late majesty Queen Anne, intitled, An act for providing a publick reward for such person or persons as shall discover the longitude at sea, with regard to the making experiments of proposals made for discovering the longitude.

Preamble, reciting several clauses in act 12 Annæ,

WHEREAS by an act of parliament made in the twelfth year of the reign of her late majesty Queen Anne, intitled, An act for providing a publick reward for such person or persons as shall discover the longitude at sea, the commissioners therein named or any five or more of them, have full power to hear and receive any proposal or proposals that shall be made to them for discovering the said longitude: and in case the said commissioners, or any five or more of them, shall be so far satisfied of the probability of any such discovery, as to think it proper to make experiments thereof, they shall certify the same, under their hands and seals, to the commissioners of the navy for the time being, together with the persons

names who are authors of such proposals; and, upon producing such certificate, the said commissioners are hereby authorized and required to make out a bill or bills for any such sum or sums of money, not exceeding two thousand pounds, as the said commissioners for the discovery of the said longitude, or any five or more of them, shall think necessary for making the experiments, payable by the treasurer of the navy; which sum or sums the treasurer of the navy is by the said act required to pay immediately, to such person or persons as shall be appointed by the said commissioners to make those experiments, out of any money that shall be in his hands unapplied for the use of the navy: and whereas for a due and sufficient encouragement to any such person or persons as shall discover a proper method for finding the said longitude, it is likewise enacted by the said act, that the first author or authors, discoverer or discoverers, of any such method, his or their executors, administrators, or assigns, shall be intitled to, and have such reward, as in the said act is particularly mentioned: and whereas by another act of parliament made in the fourteenth year of the reign of his late majesty King George the Second, intituled, An act for surveying the chief ports and head lands on the coasts of Great Britain and Ireland, and the islands and plantations thereto belonging, in order to the more exact determination of the longitude and latitude thereof, it was enacted, that the said commissioners for discovering the said longitude, or any five or more of them, should have full power to apply such part of the said sum of two thousand pounds, mentioned in the said first recited act, as had not then been laid out in experiments, as they should think necessary for the making such survey, and determining the longitude and latitude of the chief ports and head lands on the coasts of Great Britain and Ireland, and the islands and plantations thereto belonging; and that such sum or sums, part of the said two thousand pounds, which the said commissioners, or any five or more of them, should think necessary, should be paid immediately, by the treasurer of the navy, to such person or persons as should be appointed by the said commissioners to make such survey and determine such longitude and latitude, out of the money that should be in the hands of such treasurer unapplied for the use of the navy: and whereas by an act made in the twenty sixth year of the reign of his late majesty King George the Second, intituled, An act to render more effectual an act made in the twelfth year of the reign of her late majesty Queen Anne, intituled, An act for providing a publick reward for such person or persons as shall discover the longitude at sea, with regard to the making experiments of proposals made for discovering the longitude, and to enlarge the number of commissioners for putting in execution the said act, the further sum of two thousand pounds was directed to be applied, in such manner as the commissioners for the discovery of the longitude should think necessary, for making further experiments: and whereas by an act in the second year of the reign of his present Majesty, intituled, An act for rendering more effectual an act made in the twelfth year of the reign of her late majesty Queen Anne, intituled, An act for providing a publick reward for such person or persons as shall discover the longitude at sea, with regard to the making ex-

Act 14 Geo. 2.

Act 26 Geo. 2.

and Act 2 Geo. 3.

periments of propofals made for difcovering the longitude, the further fum of two thoufand pounds was directed to be applied, in fuch manner as the commissioners for the difcovery of the longitude fhould think neceffary, for making further experiments: and whereas the faid commissioners have, by virtue of the powers vefted in them by the faid feveral acts before-mentioned, heard and received feveral propofals made to them at different times for difcovering the faid longitude, and have accordingly certified the fame, from time to time, to the commissioners of the navy for the time being; whereupon bills have been made out for feveral fums of money, amounting in the whole to fix thoufand pounds; all which refpective fums have been paid to feveral perfons by the treafurer of the navy, purfuant to the directions of the faid acts of parliament, which the faid commissioners for difcovering the longitude thought neceffary for making the faid experiments: and whereas, by reason of the feveral payments made by the treafurer of the navy to the feveral perfons as aforefaid, the faid commissioners have, by virtue of the faid acts of parliament, expended the whole of the fums thereby granted for the purpofes aforefaid: and whereas from the experiments which have already been made, in purfuance of the powers vefted in the faid commissioners as aforefaid, there is great reason to expect, that, by continuing to encourage ingenious perfons to invent and make further improvements and experiments in order to difcover the faid longitude, fuch difcoveries may at length be produced as will effectually answer that end, and thereby contribute very much to the advantage of the trade and honour of this kingdom: therefore, for enabling the faid commissioners to caufe fuch further experiments to be made as they fhall think proper for the purpofes aforefaid, be it enacted by the King's moft excellent majesty, by and with the advice and content of the lords fpiritual and temporal, and commons, in this prefent parliament afsembled, and by the authority of the fame, That the faid commissioners, conftituted by the faid feveral acts of parliament before mentioned for the difcovery of the longitude at fea, and for examining, trying, and judging of all propofals, experiments, and improvements, relating to the fame, or any five or more of them, fhall have full power to hear and receive any propofal or propofals that have been, or fhall hereafter be made to them, for difcovering the faid longitude at fea; and in cafe the faid commissioners, or any five or more of them, fhall be fo far fatisfied of the probability of any fuch propofal or difcovery, as to think it proper to make experiment thereof, they fhall certify the fame, under their hands and feals, to the commissioners of the navy for the time being, together with the perfons names who fhall be the authors of fuch propofals; and upon producing fuch certificate, the faid commissioners of the navy, are hereby authorized and required to make out a bill or bills for any fuch fum or fums of money, not exceeding two thoufand pounds, as the faid commissioners for the difcovery of the faid longitude, or any five or more of them, fhall think neceffary for making any experiments in purfuance of this act, or any of the faid former acts above mentioned, payable by the treafurer of

The commissioners conftituted by the recited acts are impowered to receive propofals for difcovering the longitude at fea; and if fatisfied of the probability of any fuch propofal, they are to certify the fame, with the author's name, to the commissioners of the navy; who are thereupon to make out a bill for fuch fum, not exceeding 2000l. as fhall be thought neceffary for making the experiment;

of the navy; which sum or sums the treasurer of the navy, for to be paid by the time being, is hereby required to pay immediately to such the treasurer person or persons as shall be appointed by the commissioners for the discovery of the said longitude, to make those experiments, of the navy. out of any money that shall be in his, the said treasurer's hands, unapplied for the use of the navy.

CAP. XII.

An act for granting and applying certain stamp duties, and other duties, in the British colonies and plantations in America, towards further defraying the expences of defending, protecting, and securing the same; and for amending such parts of the several acts of parliament relating to the trade and revenues of the said colonies and plantations, as direct the manner of determining and recovering the penalties and forfeitures therein mentioned.

WHEREAS by an act made in the last session of parliament, *Preamble.*
several duties were granted, continued, and appropriated, towards defraying the expences of defending, protecting, and securing, the British colonies and plantations in America: and whereas it is just and necessary, that provision be made for raising a further revenue within your Majesty's dominions in America, towards defraying the said expences: we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, have therefore resolved to give and grant unto your Majesty the several rates and duties herein after mentioned; and do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *November*, one thousand seven hundred and sixty five, there shall be raised, levied, collected, and paid unto his Majesty, his heirs, and successors, throughout the colonies and plantations in *America* which now are, or hereafter may be, under the dominion of his Majesty, his heirs and successors,

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written or printed, any declaration, plea, replication, rejoinder, demurrer, or other pleading, or any copy thereof, in any court of law within the *British* colonies and plantations in *America*, a stamp duty of three pence.

Fix. On all declarations, pleas, replications, rejoinders, demurrers, &c. in courts of law, 3 d. per sheet.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written or printed, any special bail and appearance upon such bail in any such court, a stamp duty of two shillings.

Special bail and appearances, in the said courts, 2 s. per sheet.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, petitions, bills, answers, ed, claims, pleas,

replications, rejoinders, demurrers, &c. in courts of chancery or equity, 1s. 6d. per sheet.

Copies of petitions, bills, &c. in the said courts, 3d. per sheet.

Monitions, libels, answers, allegations, inventories, or renunciations, &c. in courts exercising ecclesiastical

Copies of wills, monitions, &c. in the said courts, 6d. per sheet.

Donations, presentations, collations, institutions, registers, entries, testimonials, certificates of degrees, &c. per sheet.

Monitions, libels, claims, answers, allegations, informations, letters of request, executions, renunciations,

Copies of any such monitions, libels, &c. 6d. per sheet.

Appeals, writs, of error and of dower, *Ad quod damnum*, certiorari, statute mer-

ed, any petition, bill, answer, claim, plea, replication, rejoinder, demurrer, or other pleading in any court of chancery or equity within the said colonies and plantations, a stamp duty of one shilling and six pence.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any copy of any petition, bill, answer, claim, plea, replication, rejoinder, demurrer, or other pleading in any such court, a stamp duty of six pence.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any monition, libel, answer, allegation, inventory, or renunciation in ecclesiastical matters in any court of probate, court of the ordinary, or other court exercising ecclesiastical jurisdiction within the said colonies and plantations, a stamp duty of one shilling.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any copy of any will (other than the probate thereof) monition, libel, answer, allegation, inventory, or renunciation in ecclesiastical matters in any such court, a stamp duty of six pence.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any donation, presentation, collation, or institution of or to any benefice, or any writ or instrument for the like purpose, or any register, entry, testimonial, or certificate of any degree taken in any university, academy, college, or seminary of learning, within the said colonies and plantations, a stamp duty of two pounds.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any monition, libel, claim, answer, allegation, information, letter of request, execution, renunciation, inventory, or other pleading, in any admiralty court within the said colonies and plantations, a stamp duty of one shilling.

inventories, &c. in courts of admiralty, 1s. per sheet.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which any copy of any such monition, libel, claim, answer, allegation, information, letter of request, execution, renunciation, inventory, or other pleading shall be ingrossed, written, or printed, a stamp duty of six pence.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any appeal, writ of error, writ of dower, *Ad quod damnum*, certiorari, statute merchant, statute staple, attestation, or certificate, by any officer, or exemplification of any record or proceeding in any court whatsoever within the said colonies and plantations (except appeals, writs of error, certiorari, attesta-

tions,

tions, certificates, and exemplifications, for or relating to the removal of any proceedings from before a single justice of the peace) a stamp duty of ten shillings.

Writs of covenant, or of entry, attachments, &c. in any of the said courts, 5 s. per sheet.

plifications of records or proceedings in any of the courts (except appeals, &c. from proceedings before a single justice) 10 s. per sheet.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any writ of covenant for levying of fines, writ of entry for suffering a common recovery, or attachment issuing out of, or returnable into, any court within the said colonies and plantations, a stamp duty of five shillings.

Judgements, decrees, sentences, dismissions, records of *Nisi prius* or *Postea*, in any of the said courts, 4 s. per sheet.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any judgement, decree, sentence, or dismissal, or any record of *Nisi Prius* or *Postea*, in any court within the said colonies and plantations, a stamp duty of four shillings.

Affidavits, common bail or appearance, interrogatory depositions, rules, orders, warrants of court, *Dedimus Po-*

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any affidavit, common bail or appearance, interrogatory deposition, rule, order, or warrant of any court, or any *Dedimus Poestatem*, *Capias*, *Subpoena*, summons, compulsory citation, commission, recognizance, or any other writ, process, or mandate, issuing out of, or returnable into, any court, or any office belonging thereto, or any other proceeding therein whatsoever, or any copy thereof, or of any record not herein before charged, within the said colonies and plantations (except warrants relating to criminal matters, and proceedings thereon or relating thereto) a stamp duty of one shilling.

recognizances, &c. in any of the said courts (except warrants, &c. relating to criminal matters, &c.) 1 s. per sheet.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any licence, appointment, or admission of any counsellor, solicitor, attorney, advocate, or proctor, to practise in any court, or of any notary within the said colonies and plantations, a stamp duty of ten pounds.

Licences, appointments, admissions, of counsellors, solicitors, &c. to practise in any court, 10 l. per sheet.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any note or bill of lading, which shall be signed for any kind of goods, wares, or merchandize, to be exported from, or any cockpit or clearance granted within the said colonies and plantations, a stamp duty of four pence.

Bills of lading, cockets, clearances, 4 d. per sheet.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, letters of mart, or commission for private ships of war, within the said colonies and plantations, a stamp duty of twenty shillings.

Letters of mart, commissions for private ships of war, 20 s. per sheet.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written or printed, any grant, appointment, or admission of or to any public beneficial, public bene-

social offices,
&c. of 20 l.
per ann.
value, or up-
wards (army,
navy, judges,
and justices
of peace excepted) 10 s. per sheet.

social office or employment, for the space of one year, or any lesser time, of or above the value of twenty pounds *per annum* sterling money, in salary, fees, and perquisites, within the said colonies and plantations, (except commissions and appointments of officers of the army, navy, ordnance, or militia, of judges, and of justices of the peace) a stamp duty of ten shillings.

Grants of li-
berties, privi-
leges, or fran-
chises, under
the seal of any
of the colo-
nies, or sign
manual of
any governor,
&c. or any
exemplifica-
tions thereof, 6 l. per sheet.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which any grant of any liberty, privilege, or franchise, under the seal of any of the said colonies or plantations, or under the seal or sign manual of any governor, proprietor, or publick officer alone, or in conjunction with any other person or persons, or with any council, or any council and assembly, or any exemplification of the same, shall be ingrossed, written, or printed, within the said colonies and plantations, a stamp duty of six pounds,

Licences for
retailing spiri-
tuous liquors,
20 s. per
sheet.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any licence for retailing of spirituous liquors, to be granted to any person who shall take out the same, within the said colonies and plantations, a stamp duty of twenty shillings.

Licences for
retailing wine
only, 4 l. per
sheet.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any licence for retailing of wine, to be granted to any person who shall not take out a licence for retailing of spirituous liquors, within the said colonies and plantations, a stamp duty of four pounds.

Licences for
retailing wine,
where a li-
cence has
been granted
for retailing
spirituous li-
quors, 3 l. per sheet.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any licence for retailing of wine, to be granted to any person who shall take out a licence for retailing of spirituous liquors, within the said colonies and plantations, a stamp duty of three pounds.

Probates of
wills, letters
of administra-
tion, or guar-
dianship, &c.
on the conti-
nent, and the
islands of Ber-
muda and Bahama, 5 s. per sheet.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written or printed, any probate of a will, letters of administration, or of guardianship for any estate above the value of twenty pounds sterling money; within the *British* colonies and plantations upon the continent of *America*, the islands belonging thereto, and the *Bermuda* and *Bahama* islands, a stamp duty of five shillings.

Probates, let-
ters of admi-
nistration or
guardianship,
in other parts
of America,
10 s. per sheet.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written or printed, any such probate, letters of administration or of guardianship, within all other parts of the *British* dominions in *America*, a stamp duty of ten shillings.

Bonds for any
sum not ex-
ceeding 10 l.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any

any bond for securing the payment of any sum of money, not exceeding the sum of ten pounds sterling money, within the *British* colonies and plantations upon the continent of *America*, the islands belonging thereto, and the *Bermuda* and *Bahama* islands, a stamp duty of six pence.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any bond for securing the payment of any sum of money above ten pounds, and not exceeding the sum of twenty pounds sterling money, within such colonies, plantations, and islands, a stamp duty of one shilling.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any bond for securing the payment of any sum of money above twenty pounds, and not exceeding forty pounds sterling money, within such colonies, plantations, and islands, a stamp duty of one shilling and six pence.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any order or warrant for surveying or setting out any quantity of land, not exceeding one hundred acres, issued by any governor, proprietor, or any publick officer alone, or in conjunction with any other person or persons, or with any council, or any council and assembly, within the *British* colonies and plantations in *America*, a stamp duty of six pence.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any such order or warrant for surveying or setting out any quantity of land above one hundred, and not exceeding two hundred acres, within the said colonies and plantations, a stamp duty of one shilling.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any such order or warrant for surveying or setting out any quantity of land above two hundred, and not exceeding three hundred and twenty acres, and in proportion for every such order or warrant for surveying or setting out every other three hundred and twenty acres, within the said colonies and plantations, a stamp duty of one shilling and six pence.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any original grant, or any deed, mesne conveyance, or other instrument whatsoever, by which any quantity of land not exceeding one hundred acres shall be granted, conveyed, or assigned, within the *British* colonies and plantations upon the continent of *America*, the islands belonging thereto, and the *Bermuda* and *Bahama* islands (except leases for any term not exceeding the term of twenty one years) a stamp duty of one shilling and six pence.

on the continent, and islands of Bermuda and Bahama, 6 d. per sheet.

Bonds for any sum above 10 l. and not exceeding 20 l. within the said places, 1 s. per sheet.

Bonds for any sum above 20 l. and not exceeding 40 l. within the same places, 1 s. 6 d. per sheet.

Warrants for surveying or setting out any lands, not exceeding 100 acres, 6 d. per sheet.

Warrants for surveying or setting out any lands above 100 acres, and not exceeding 200 acres, 1 s. per sheet.

Warrants for surveying or setting out any lands above 200 acres, and not exceeding 320, 1 s. 6 d. per sheet.

Original grants, or deeds, mesne conveyances, &c. of lands, not exceeding 100 acres upon the continent, or islands of Bermuda and Bahama, 1 s. 6 d. per sheet.

Original grants, &c. of lands above 100 acres, and not exceeding 200, within the said places 2 s. per sheet.

Original grants, &c. of lands above 200 acres, and not exceeding 320, and in proportion for every other 320 acres, in the said places, 2 s. 6 d. per sheet.

Original grants, &c. of lands not exceeding 100 acres, within all other parts of America, 3 s. per sheet.

Original grants, &c. of lands above 100 acres, and not exceeding 200, within the same parts, 4 s. per sheet.

Original grants, &c. of lands above 200 acres, and not exceeding 320, and in proportion for every other 320 acres, within the said parts, 5 s. per sheet.

Grants, appointments, or admissions, to any publick beneficial office, not before charged, above 20 l. per ann. value, or exemplifications

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any such original grant, or any such deed, mesne conveyance or other instrument whatsoever by which any quantity of land above one hundred, and not exceeding two hundred acres, shall be granted, conveyed, or assigned, within such colonies, plantations, and islands, a stamp duty of two shillings.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any such original grant, or any such deed, mesne conveyance, or other instrument whatsoever, by which any quantity of land above two hundred, and not exceeding three hundred and twenty acres, shall be granted, conveyed, or assigned, and in proportion for every such grant, deed, mesne conveyance, or other instrument, granting, conveying, or assigning, every other three hundred and twenty acres, within such colonies, plantations, and islands, a stamp duty of two shillings and six pence.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any such original grant, or any such deed, mesne conveyance, or other instrument whatsoever, by which any quantity of land not exceeding one hundred acres shall be granted, conveyed, or assigned, within all other parts of the *British* dominions in *America*, a stamp duty of three shillings.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any such original grant, or any such deed, mesne conveyance, or other instrument whatsoever, by which any quantity of land above one hundred, and not exceeding two hundred acres, shall be granted, conveyed, or assigned, within the same parts of the said dominions, a stamp duty of four shillings.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any such original grant, or any such deed, mesne conveyance, or other instrument whatsoever, whereby any quantity of land above two hundred, and not exceeding three hundred and twenty acres, shall be granted, conveyed, or assigned, and in proportion for every such grant, deed, mesne conveyance, or other instrument, granting, conveying, or assigning, every other three hundred and twenty acres, within the same parts of the said dominions, a stamp duty of five shillings.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any grant, appointment, or admission, of or to any publick beneficial office or employment, not herein before charged, above the value of twenty pounds *per annum* sterling money in salary, fees, and perquisites, or any exemplification of the same, within the *British* colonies and plantations upon the continent of *America*, the islands belonging thereto, and the *Bermuda* and *Babama* islands (except commissions of officers of the army, navy, ordnance

nance, or militia, and of justices of the peace) a stamp duty of four pounds.

thereof (army, navy, and justices of the peace, excepted) upon the continent, or islands of Bermuda and Bahama, 4 l. per sheet.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any such grant, appointment, or admission, of or to any such publick beneficial office or employment, or any exemplification of the same, within all other parts of the *British* dominions in *America*, a stamp duty of six pounds.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any indenture, lease, conveyance, contract, stipulation, bill of sale, charter party, protest, articles of apprenticeship, or covenant (except for the hire of servants not apprentices, and also except such other matters as are herein before charged) within the *British* colonies and plantations in *America*, a stamp duty of two shillings and six pence.

Indentures, leases, conveyances, contracts, stipulations, bills of sale, charter parties, protests, articles of apprenticeship, or covenant (except for the hire of servants, and other matters before charged) 2s. 6 d. per sheet.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which any warrant or order for auditing any publick accounts, beneficial warrant, order, grant, or certificate, under any publick seal, or under the seal or sign manual of any governor, proprietor, or publick officer alone, or in conjunction with any other person or persons, or with any council, or any council and assembly, not herein before charged, or any passport or let-pass, surrender of office, or policy of assurance, shall be ingrossed, written, or printed, within the said colonies and plantations (except warrants or orders for the service of the navy, army, ordnance, or militia, and grants of offices under twenty pounds *per annum* in salary, fees, and perquisites) a stamp duty of five shillings.

Warrant for auditing publick accounts, beneficial warrants, orders, grants, certificates, under the publick seal, or sign manual of a governor, &c. not before charged; passports, surrenders of offices, policies of assurance (warrants for the navy or army, and grants of offices under value, excepted) 5 s. per sheet.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any notarial act, bond, deed, letter of attorney, procuration, mortgage, release, or other obligatory instrument, not herein before charged, within the said colonies and plantations, a stamp duty of two shillings and three pence.

Notarial acts, bonds, deeds, letters of attorney, procuration, mortgage, release, or obligatory instrument, not charged before, 2 s. 3 d. per sheet.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any register, entry, or inrollment of any grant, deed, or other instrument whatsoever herein before charged, within the said colonies and plantations, a stamp duty of three pence.

Registers, entries, or inrollments, of grants, deeds, &c. before charged, 3d. per sheet.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any register, entry, or inrollment of any grant, deed, or other instru-

Registers, entries, or inrollments of grants, deeds, &c.

&c. not before charged, 2s. per sheet.

Duties payable upon cards and dice viz. on

Cards, 1s. per pack.

Dice, 10s. per pair.

Duties payable upon pamphlets and news papers, viz.

On pamphlets of half a sheet, or less, 2d. on every printed copy; being larger than half a sheet, and not exceeding a whole sheet, 1d. for every printed copy;

being larger than 1 whole sheet, and not exceeding 6, in octavo, or under; or not exceeding 12 sheets in quarto, or 20 sheets in folio, 2s. per sheet for one printed copy.

For every advertisement in any gazette or other paper 2s.

For every almanack, &c. to serve for 1 year, and printed on one side of 1 sheet only, 3d.

For every other almanack, &c. for 1 year, 4d.

For every almanack to serve for several years, duties to the same amount

On instruments, proceedings, &c. aforesaid, in gross, writ-

instrument whatsoever not herein before charged, within the said colonies and plantations, a stamp duty of two shillings.

And for and upon every pack of playing cards, and all dice, which shall be sold or used within the said colonies and plantations, the several stamp duties following (that is to say)

For every pack of such cards, the sum of one shilling.

And for every pair of such dice, the sum of ten shillings.

And for and upon every paper, commonly called a *pamphlet*, and upon every news paper, containing publick news, intelligence, or occurrences, which shall be printed, dispersed, and made publick, within any of the said colonies and plantations, and for and upon such advertisements as are herein after mentioned, the respective duties following (that is to say)

For every such pamphlet and paper contained in half a sheet, or any lesser piece of paper, which shall be so printed, a stamp duty of one halfpenny, for every printed copy thereof.

For every such pamphlet and paper (being larger than half a sheet, and not exceeding one whole sheet) which shall be so printed, a stamp duty of one penny, for every printed copy thereof.

For every pamphlet and paper being larger than one whole sheet, and not exceeding six sheets in octavo, or in a lesser page, or not exceeding twelve sheets in quarto, or twenty sheets in folio, which shall be so printed, a duty after the rate of one shilling for every sheet of any kind of paper which shall be contained in one printed copy thereof.

For every advertisement to be contained in any gazette, news paper, or other paper, or any pamphlet which shall be so printed, a duty of two shillings.

For every almanack or calendar, for any one particular year, or for any time less than a year, which shall be written or printed on one side only of any one sheet, skin, or piece of paper parchment, or vellum, within the said colonies and plantations, a stamp duty of two pence.

For every other almanack or calendar for any one particular year, which shall be written or printed within the said colonies and plantations, a stamp duty of four pence.

And for every almanack or calendar written or printed within the said colonies and plantations, to serve for several years, duties to the same amount respectively shall be paid for every such year.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which any instrument, proceeding, or other matter or thing aforesaid, shall be ingrossed, written, or printed, within the said colonies and plantations, in any other than the

English

English language, a stamp duty of double the amount of the respective duties before charged thereon.

English language, double the amount of the respective duties before charged thereon.

And there shall be also paid in the said colonies and plantations, a duty of six pence for every twenty shillings, in any sum not exceeding fifty pounds sterling money, which shall be given, paid, contracted, or agreed for, with or in relation to any clerk or apprentice, which shall be put or placed to or with any master or mistress to learn any profession, trade, or employment.

II. And also a duty of one shilling for every twenty shillings, in any sum exceeding fifty pounds, which shall be given, paid, contracted, or agreed for, with, or in relation to any such clerk, or apprentice.

III. And be it further enacted by the authority aforesaid, That every deed, instrument, note, memorandum, letter, or other minument or writing, for or relating to the payment of any sum of money, or for making any valuable consideration for or upon the loss of any ship, vessel, goods, wages, money, effects, or upon any loss by fire, or for any other loss whatsoever, or for or upon any life or lives, shall be construed, deemed, and adjudged to be policies of assurance, within the meaning of this act: and if any such deed, instrument, note, memorandum, letter, or other minument or writing, for insuring, or tending to insure, any more than one ship or vessel for more than any one voyage, or any goods, wages, money, effects, or other matter or thing whatsoever, for more than one voyage, or in more than one ship or vessel, or being the property of, or belonging to, any more than one person, or any particular number of persons in general partnership, or any more than one body politick or corporate, or for more than one risque; then, in every such case, the money insured thereon, or the valuable consideration thereby agreed to be made, shall become the absolute property of the insured, and the insurer shall also forfeit the premium given for such insurance, together with the sum of one hundred pounds.

IV. And be it further enacted by the authority aforesaid, That every deed, instrument, note, memorandum, letter, or other minument or writing, between the captain or master or owner of any ship or vessel, and any merchant, trader, or other person, in respect to the freight or conveyance of any money, goods, wares, merchandizes, or effects, laden or to be laden on board of any such ship or vessel, shall be deemed and adjudged to be a charter party within the meaning of this act.

V. And be it further enacted by the authority aforesaid, That all books and pamphlets serving chiefly for the purpose of an almanack, by whatsoever name or names intituled or described, are and shall be charged with the duty imposed by this act on almanacks, but not with any of the duties charged by this act on pamphlets, or other printed papers; any thing herein contained to the contrary notwithstanding.

VI. Provided always, That this act shall not extend to charge any bills of exchange, accompts, bills of parcels, bills of fees,

ten, or printed, in any other than the

On fees paid with clerks or apprentices, not exceeding sol. a duty of 6d. for every 20s. so paid;

and 2s. for every 20s. in any sum exceeding sol.

What shall be deemed policies of assurance within the meaning of the act.

On what cases the insurance and premium are forfeited.

What shall be deemed a charter party.

Books, &c. serving chiefly for almanacks to pay duty as such only.

The aforesaid duties not to

extend to bills of exchange, &c. or to probate of wills, or letters of administration, to common seamen or soldiers dying in the King's service.

or any bills or notes not sealed for payment of money at sight, or upon demand, or at the end of certain days of payment.

VII. Provided, That nothing in this act contained shall extend to charge the probate of any will, or letters of administration to the effects of any common seaman or soldier, who shall die in his Majesty's service; a certificate being produced from the commanding officer of the ship or vessel, or troop or company in which such seaman or soldier served at the time of his death, and oath, or if by a quaker a solemn affirmation, made of the truth thereof, before the proper judge or officer by whom such probate or administration ought to be granted; which oath or affirmation such judge or officer is hereby authorized and required to administer, and for which no fee or reward shall be taken.

The extraordinary duties on instruments, in any other than the English language, are not to take place within Quebec or Granada, for 5 years.

Instruments for granting, &c. lands, made with any Indian nation, are not chargeable with duties;

VIII. Provided always, and be it enacted, That until after the expiration of five years from the commencement of the said duties, no skin or piece of vellum or parchment, or sheet or piece of paper, on which any instrument, proceeding, or other matter or thing shall be ingrossed, written, or printed, within the colonies of *Quebec* or *Granada*, in any other than the *English* language, shall be liable to be charged with any higher stamp duty than if the same had been ingrossed, written, or printed in the *English* language.

IX. Provided always, That nothing in this act contained shall extend to charge with any duty, any deed, or other instrument, which shall be made between any *Indian* nation and the governor, proprietor of any colony, lieutenant governor, or commander in chief alone, or in conjunction with any other person or persons, or with any council, or any council and assembly of any of the said colonies or plantations, for or relating to the granting, surrendering, or conveying, any lands belonging to such nation, to, for, or on behalf of his Majesty, or any such proprietor, or to any colony or plantation,

nor are proclamations, forms of prayer, votes of any houses of assembly; School books, Books of piety or devotion; single advertisements printed solely; daily accounts of imports, and exports;

or certificates to receive parliamentary bounties.

X. Provided always, That this act shall not extend to charge any proclamation, forms of prayer and thanksgiving, or any printed votes of any house of assembly in any of the said colonies and plantations, with any of the said duties on pamphlets or news papers; or to charge any books commonly used in any of the schools within the said colonies and plantations, or any books containing only matters of devotion or piety; or to charge any single advertisement printed by itself, or the daily accounts or bills of goods imported and exported, so as such accounts or bills do contain no other matters than what have been usually comprized therein; any thing herein contained to the contrary notwithstanding.

XI. Provided always, That nothing in this act contained shall extend to charge with any of the said duties, any vellum, parchment, or paper, on which shall only be engrossed, written, or printed, any certificate that shall be necessary to intitle any person to receive a bounty granted by act of parliament.

XII. And

XII. And be it further enacted by the authority aforesaid, That the said several duties shall be under the management of the commissioners, for the time being, of the duties charged on stamped vellum, parchment, and paper, in *Great Britain*: and the said commissioners are hereby impowered and required to employ such officers under them, for that purpose, as they shall think proper; and to use such stamps and marks, to denote the stamp duties hereby charged, as they shall think fit; and to repair, renew, or alter the same, from time to time, as there shall be occasion; and to do all other acts, matters, and things, necessary to be done, for putting this act in execution with relation to the duties hereby charged.

The duties to be under the management of the commissioners for the stamp duties in *Great Britain*, who are to appoint proper officers, and stamps, &c.

XIII. And be it further enacted by the authority aforesaid, That the commissioners for managing the said duties, for the time being, shall and may appoint a fit person or persons to attend in every court or publick office within the said colonies and plantations, to take notice of the vellum, parchment, or paper, upon which any of the matters or things hereby charged with a duty shall be ingrossed, written, or printed, and of the stamps or marks thereupon, and of all other matters and things tending to secure the said duties; and that the judges in the several courts, and all other persons to whom it may appertain, shall, at the request of any such officer, make such orders, and do such other matters and things, for the better securing of the said duties, as shall be lawfully or reasonably desired in that behalf: and every commissioner and other officer, before he proceeds to the execution of any part of this act, shall take an oath in the words, or to the effect following (that is to say)

They are to appoint an officer to attend in every court, or publick office, to take care of all matters relating to the said duties. Judges and others to assist in securing the said duties. Commissioners and other officers, to take the following oath.

I A. B. do swear, That I will faithfully execute the trust reposed in me, pursuant to an act of parliament made in the fifth year of the reign of his majesty King George the Third, for granting certain stamp duties, and other duties, in the British colonies and plantations in America, without fraud or concealment; and will from time to time true account make of my doing therein, and deliver the same to such person or persons as his Majesty, his heirs, or successors, shall appoint to receive such account; and will take no fee, reward, or profit, for the execution or performance of the said trust, or the business relating thereto, from any person or persons, other than such as shall be allowed by his Majesty, his heirs, and successors, or by some other person or persons under him or them to that purpose authorized. The oath.

Or if any such officer shall be of the people commonly called *Quakers*, he shall take a solemn affirmation to the effect of the said oath; which oath or affirmation shall and may be administered to any such commissioner or commissioners by any two or more of the same commissioners, whether they have or have not previously taken the same; and any of the said commissioners, or any justice of the peace, within the kingdom of *Great Britain*, or any governor, lieutenant governor, judge, or other magistrate, within

Oath by whom to be administered.

within the said colonies or plantations, shall and may administer such oath or affirmation to any subordinate officer.

Commissioners and officers under them, to observe such rules as the treasury shall prescribe them.

Care to be taken that the colonies be sufficiently furnished with stamps.

Persons signing, writing, printing, or selling any thing chargeable with the duties,

before the same shall be duly stamped, &c.

or which shall be stamped for a lower duty, forfeit 10 l.

No instrument chargeable with a duty to be admitted as evidence in any court, unless duly stamped :

But if any instrument not duly stamped at the execution or inrollment be produced to a chief distributor, and payment made of 10 l. and double duties, he is to sign a certificate, and

XIV. And be it further enacted by the authority aforesaid, That the said commissioners, and all officers to be employed or entrusted by or under them as aforesaid, shall, from time to time, in and for the better execution of their several places and trusts, observe such rules, methods, and orders, as they respectively shall, from time to time, receive from the high treasurer of *Great Britain*, or the commissioners of the treasury, or any three or more of such commissioners for the time being; and that the said commissioners for managing the stamp duties shall take especial care, that the several parts of the said colonies and plantations shall, from time to time, be sufficiently furnished with vellum, parchment, and paper, stamped or marked with the said respective duties.

XV. And be it further enacted by the authority aforesaid, That if any person or persons shall sign, ingross, write, print, or sell, or expose to sale; or cause to be signed, ingrossed, written, printed, or sold, or exposed to sale, in any of the said colonies or plantations, or in any other part of his Majesty's dominions, any matter or thing, for which the vellum, parchment, or paper, is hereby charged to pay any duty, before the same shall be marked or stamped with the marks or stamps to be provided as aforesaid, or upon which there shall not be some stamp or mark resembling the same; or shall sign, ingross, write, print, or sell, or expose to sale, or cause to be signed, ingrossed, written, printed, or sold, or exposed to sale, any matter or thing upon any vellum, parchment, or paper, that shall be marked or stamped for any lower duty than the duty by this act made payable in respect thereof; every such person so offending shall, for every such offence, forfeit the sum of ten pounds.

XVI. And be it further enacted by the authority aforesaid, That no matter or thing whatsoever, by this act charged with the payment of a duty, shall be pleaded or given in evidence, or admitted in any court within the said colonies and plantations, to be good, useful, or available in law or equity, unless the same shall be marked or stamped, in pursuance of this act, with the respective duty hereby charged thereon, or with an higher duty.

XVII. Provided nevertheless, and be it further enacted by the authority aforesaid, That if any vellum, parchment, or paper, containing any deed, instrument, or other matter or thing, shall not be duly stamped in pursuance of this act, at the time of the signing, sealing, or other execution, or the entry or inrollment thereof, any person interested therein, or any person on his or her behalf, upon producing the same to any one of the chief distributors of stamp vellum, parchment, and paper, and paying to him the sum of ten pounds for every such deed, instrument, matter, or thing, and also double the amount of the duties payable in respect thereof, shall be intitled to receive from such distributor, vellum, parchment, or paper, stamped pursuant

this act, to the amount of the money so paid; a certificate being first written upon every such piece of vellum, parchment, or paper, expressing the name and place of abode of the person by or on whose behalf such payment is made, the general purport of such deed, instrument, matter, or thing, the names of the parties therein, and of the witnesses (if any) thereto, and the date thereof, which certificate shall be signed by the said distributor; and the vellum, parchment, or paper, shall be then annexed to such deed, instrument, matter, or thing, by or in the presence of such distributor, who shall impress a seal upon wax, to be affixed on the part where such annexation shall be made, in the presence of a magistrate, who shall attest such signature and sealing; and the deed, instrument, or other matter or thing, from thenceforth shall and may, with the vellum, parchment, or paper, so annexed, be admitted and allowed in evidence in any court whatsoever, and shall be as valid and effectual as if the proper stamps had been impressed thereon at the time of the signing, sealing, or other execution, or entry or inrollment thereof: and the said distributor shall, once in every six months, or oftener if required by the commissioners for managing the stamp duties, send to such commissioners true copies of all such certificates, and an account of the number of pieces of vellum, parchment, and paper, so annexed, and of the respective duties impressed upon every such piece.

annex the same to the deed, &c.

after which it shall be admitted as evidence.

Copies of such certificates, &c. to be transmitted half yearly to the commissioners for stamps.

XVIII. And be it further enacted by the authority aforesaid, That if any person shall forge, counterfeit, erase, or alter, any such certificate, every such person so offending shall be guilty of felony, and shall suffer death as in cases of felony without the benefit of clergy.

The penalty of forging or altering any such certificate, is death.

XIX. And be it further enacted by the authority aforesaid, That if any person or persons shall, in the said colonies or plantations, or in any other part of his Majesty's dominions, counterfeit or forge any seal, stamp, mark, type, device, or label, to resemble any seal, stamp, mark, type, device, or label, which shall be provided or made in pursuance of this act; or shall counterfeit or resemble the impression of the same upon any vellum, parchment, paper, cards, dice or other matter or thing, thereby to evade the payment of any duty hereby granted; or shall make, sign, print, utter, vend, or sell, any vellum, parchment, or paper, or other matter or thing, with such counterfeit mark or impression thereon, knowing such mark or impression to be counterfeited; then every person so offending shall be adjudged a felon, and shall suffer death as in cases of felony without the benefit of clergy.

The penalty of counterfeiting or forging any of the stamps,

or the impressions thereof;

or making, signing, printing or entering, any thing with such counterfeit mark, knowingly, is death.

XX. And it is hereby declared, That upon any prosecution or prosecutions for such felony, the dye, tool, or other instrument made use of in counterfeiting or forging any such seal, stamp, mark, type, device, or label, together with the vellum, parchment, paper, cards, dice, or other matter, or thing having such counterfeit impression, shall, immediately after the trial or

Counterfeit stamps, &c. after conviction of the party, to be destroyed in open court.

con-

conviction of the party or parties accused, be broke, defaced, or destroyed, in open court.

Penalty of in-rolling, &c. any matter or thing not duly stamped, is 20 l.

XXI. And be it further enacted by the authority aforesaid, That if any register, publick officer, clerk, or other person in any court, registry, or office within any of the said colonies or plantations, shall, at any time after the said first day of *November*, one thousand seven hundred and sixty five, enter, register, or in-roll, any matter or thing hereby charged with a stamp duty, unless the same shall appear to be duly stamped; in every such case such register, publick officer, clerk, or other person, shall, for every such offence, forfeit the sum of twenty pounds.

Counsellors, or others to whom it belongs, neglecting to file or record in due time any matter for which a duty is payable, &c. forfeit 50 l.

XXII. And be it further enacted by the authority aforesaid, That from and after the said first day of *November*, one thousand seven hundred and sixty five, if any counsellor, clerk, officer, attorney, or other person, to whom it shall appertain, or who shall be employed or intrusted, in the said colonies or plantations, to enter or file any matter or thing in respect whereof any duty shall be payable by virtue of this act, shall neglect to enter, file, or record the same, as by law the same ought to be entered, filed, or recorded, within the space of four months after he shall have received any money for or in respect of the same, or shall have promised or undertaken so to do; or shall neglect to enter, file, or record, any such matter or thing, before any subsequent, further or other proceeding, matter, or thing, in the same suit, shall be had, entered, filed, or recorded; that then every such counsellor, clerk, officer, attorney, or other person so neglecting or offending, in each of the cases aforesaid, shall forfeit the sum of fifty pounds for every such offence.

Penalty of writing, &c. any matter, for which a duty is payable, on paper, &c. whereon other matters, chargeable with a duty, were before written, &c. or fraudulently erasing the names, or other thing therein, or taking off the stamp to use it for any other matter, is 50 l.

XXIII. And be it further enacted by the authority aforesaid, That if any person or persons, at any time after the said first day of *November*, one thousand seven hundred and sixty five, shall write, ingross, or print, or cause to be written, ingrossed, or printed, in the said colonies or plantations, or any other part of his said Majesty's dominions, either the whole or any part of any matter or thing whatsoever in respect whereof any duty is payable by this act, upon any part of any piece of vellum, parchment, or paper, whereon there shall have been before written any other matter or thing in respect whereof any duty was payable by this act; or shall fraudulently erase, or cause to be erased, the name or names of any person or persons, or any sum, date, or other thing, ingrossed, written, or printed, in such matter or thing as aforesaid; or fraudulently cut, tear, or get off, any mark or stamp from any piece of vellum, parchment, or paper, or any part thereof, with intent to use such stamp or mark for any other matter or thing in respect whereof any duty shall be payable by virtue of this act; that then, and so often, and in every such case, every person so offending shall, for every such offence, forfeit the sum of fifty pounds.

Part of all writings, &c.

XXIV. And be it further enacted by the authority aforesaid, That every matter and thing, in respect whereof any duty shall be payable in pursuance of this act, shall be ingrossed, written,

or

or printed, in such manner, that some part thereof shall be either upon, or as near as conveniently may be, to the stamps or marks denoting the duty; upon pain that the person who shall ingross, write, or print, or cause to be ingrossed, written, or printed, any such matter or thing in any other manner, shall, for every such offence, forfeit the sum of five pounds.

XXV. And be it further enacted by the authority aforesaid, That every officer of each court, and every justice of the peace or other person within the said colonies and plantations, who shall issue any writ or process upon which a duty is by this act payable, shall, at the issuing thereof, set down upon such writ or process the day and year of his issuing the same, which shall be entered upon a remembrance, or in a book to be kept for that purpose, setting forth the abstract of such writ or process; upon pain to forfeit the sum of ten pounds for every such offence.

XXVI. And, for the better collecting and securing the duties hereby charged on pamphlets containing more than one sheet of paper as aforesaid, be it further enacted by the authority aforesaid, That from and after the said first day of *November*, one thousand seven hundred and sixty five, one printed copy of every pamphlet which shall be printed or published within any of the said colonies or plantations, shall within the space of fourteen days after the printing thereof, be brought to the chief distributor in the colony or plantation where such pamphlet shall be printed, and the title thereof, with the number of the sheets contained therein, and the duty hereby charged thereon, shall be registered or entered in a book to be there kept for that purpose; which duty shall be thereupon paid to the proper officer or officers appointed to receive the same, or his or their deputy or clerk, who shall thereupon forthwith give a receipt for the same on such printed copy, to denote the payment of the duty hereby charged on such pamphlet; and if any such pamphlet shall be printed or published, and the duty hereby charged thereon shall not be duly paid, and the title and number of sheets shall not be registered, and a receipt for such duty given on one copy, where required so to be, within the time herein before for that purpose limited; that then the author, printer, and publisher, and all other persons concerned in or about the printing or publishing of such pamphlet, shall, for every such offence, forfeit the sum of ten pounds, and shall lose all property therein, and in every other copy thereof, so as any person may freely print and publish the same, paying the duty payable in respect thereof by virtue of this act, without being liable to any action, prosecution, or penalty for so doing.

XXVII. And it is hereby further enacted by the authority aforesaid, That no person whatsoever shall sell or expose to sale any such pamphlet, or any news paper, without the true respective name or names, and place or places of abode, of some known person or persons by or for whom the same was really and truly printed or published, shall be written or printed

to be upon, or as near to, the stamps as may be; on penalty of 5l.

The day and year of issuing any writ or process, for which a duty is payable, is to be set down on the writ, and an entry made thereof, on penalty of 10 l.

A printed copy of every pamphlet to be brought within 14 days to the chief distributor,

in order to be registered, and the duty ascertained and paid.

Receipt to be given for the same on the copy;

Pamphlet printed or published without duty paid as directed,

the author, printer, and publisher, &c. to forfeit 10 l. and their property in the copy.

Penalty of selling any pamphlet or news paper not having the name and place of abode of the printer

or publisher,
201.

thereon; upon pain that every person offending therein shall, for every such offence, forfeit the sum of twenty pounds.

No stamps for pamphlets or news papers to be delivered, till security be given for paying the duties for advertisements thereon.

XXVIII. And be it further enacted by the authority aforesaid, That no officer appointed for distributing stamped vellum, parchment, or paper, in the said colonies or plantations, shall sell or deliver any stamped paper for printing any pamphlet, or any publick news, intelligence, or occurrences, to be contained in one sheet, or any lesser piece of paper, unless such person shall give security to the said officer, for the payment of the duties for the advertisements which shall be printed therein or thereupon.

The stamps upon such news papers and pamphlets as shall remain unfold, are to be cancelled;

XXIX. And whereas it may be uncertain how many printed copies of the said printed news papers or pamphlets, to be contained in one sheet or in a lesser piece of paper, may be sold; and to the intent the duties hereby granted thereupon may not be lessened by printing a less number than may be sold, out of a fear of a loss thereby in printing more such copies than will be sold; it is hereby provided, and be it further enacted by the authority aforesaid, That the proper officer or officers appointed for managing the said stamp duties, shall and may cancel, or cause to be cancelled, all the stamps upon the copies of any impression of any news paper or pamphlet contained in one sheet, or any lesser piece of paper, which shall really and truly remain unfold, and of which no profit or advantage has been made; and upon oath, or if by a quaker, upon solemn affirmation, made before a justice of the peace, or other proper magistrate, that all such copies, containing the stamps so tendered to be cancelled, are really and truly remaining unfold, and that none of the said copies have been fraudulently returned or rebought, or any profit or advantage made thereof; which oath or affirmation such magistrate is hereby authorized to administer, and to examine upon oath or affirmation into all circumstances relating to the selling or disposing of such printed copies, shall and may deliver, or cause to be delivered, the like number of other sheets, half sheets, or less pieces of paper, properly stamped with the same respective stamps, upon payment made for such paper, but no duty shall be taken for the stamps thereon; any thing herein contained to the contrary notwithstanding: and the said commissioners for managing the stamp duties for the time being are hereby impowered, from time to time, to make such rules and orders for regulating the methods, and limiting the times, for such cancelling and allowance as aforesaid, with respect to such news papers and pamphlets, as they shall, upon experience and consideration of the several circumstances, find necessary or convenient, for the effectual securing the duties thereon, and doing justice to the persons concerned in the printing and publishing thereof.

the person tendering the same, being examined on oath as to the truth thereof, &c.

Officer to allow a like number of stamps in lieu of those cancelled.

Commissioners to make orders for regulating the method and times for such cancelling and allowance.

Stamps may be delivered by the officer for printing

XXX. Provided always, and be it further enacted by the authority aforesaid, That any officer or officers employed by the said commissioners for managing the stamp duties, shall and may deliver to any person, by or for whom any almanack or almanacks

nacks shall have been printed, paper marked or stamped according to the true intent and meaning hereof, for the printing such almanack or almanacks, upon his or her giving sufficient security to pay the amount of the duty hereby charged thereon, within the space of three months after such delivery; and that the said officer or officers, upon bringing to him or them any number of the copies of such almanacks, within the space of three months from the said delivery and request to him or them in that behalf made, shall cancel all the stamps upon such copies, and abate to every such person so much of the money due upon such security as such cancelled stamps shall amount to.

XXXI. Provided always, That where any almanack shall contain more than one sheet of paper, it shall be sufficient to stamp only one of the sheets or pieces of paper upon which such almanack shall be printed, and to pay the duty accordingly.

XXXII. And it is hereby further enacted by the authority aforesaid, That from and after the said first day of *November*, one thousand seven hundred and sixty five, in case any person or persons, within any of the said colonies or plantations, shall sell, hawk, carry about, utter, or expose to sale, any almanack, or calendar, or any news paper, or any book, pamphlet, or paper, deemed or construed to be, or serving the purpose of, an almanack or news paper, within the intention and meaning of this act, not being stamped or marked as by this act is directed; every such person, shall for every such offence, forfeit the sum of forty shillings.

XXXIII. And be it further enacted by the authority aforesaid, That from and after the said first day of *November*, one thousand seven hundred and sixty five, the full sum or sums of money, or other valuable consideration received, or in any wise directly or indirectly given, paid, agreed, or contracted, for, with, or in relation to any clerk or apprentice, within any of the said colonies or plantations, shall be truly inserted, or written in words at length, in some indenture or other writing which shall contain the covenants, articles, contracts, or agreements, relating to the service of such clerk or apprentice; and shall bear date upon the day of the signing, sealing, or other execution of the same, upon pain that every master or mistress to or with whom, or to whose use, any sum of money, or other valuable consideration whatsoever, shall be given, paid, secured, or contracted, for or in respect of any such clerk or apprentice, which shall not be truly and fully so inserted and specified in some such indenture, or other writing, shall, for every such offence, forfeit double the sum, or double the amount of any other valuable consideration so given, paid, agreed, secured, or contracted for; to be sued for and recovered at any time, during the term specified in the indenture or writing for the service of such clerk or apprentice, or within one year after the determination thereof; and that all such indentures, or other writings, shall be brought, within the space of three months, to the proper

almanacks, upon giving security for the duties.

And he is to allow for almanacks brought to be cancelled within a certain time.

Where almanacks contain more than one sheet, one of the sheets only may be stamped.

Persons selling or hawking almanacks, or news papers, not being duly stamped, forfeit 40s.

Sums given with clerks or apprentices to be inserted in the indentures,

and bear date the day of execution,

on forfeiture of double the said sums.

Indentures to be brought to the proper

officer within three months, and the duty to be then paid, &c.

on forfeiture of double the amount.

Indentures declared void, where the fee is not inserted, and the duty duly paid.

Where master, &c. neglect to pay the duties, apprentice in such case, upon payment of double duties, &c. is intitled to recover the apprentice fee;

and to be discharged.

per officer or officers, appointed by the said commissioners for collecting the said duties within the respective colony or plantation; and the duty hereby charged for the sums, or other valuable consideration inserted therein, shall be paid by the master or mistress of such clerk or apprentice to the said officer or officers, who shall give receipts for such duty on the back of such indentures or other writings; and in case the duty shall not be paid within the time before limited, such master or mistress shall forfeit double the amount of such duty.

XXXIV. And be it further enacted by the authority aforesaid, That all indentures or writings within the said colonies and plantations, relating to the service of clerks or apprentices, wherein shall not be truly inserted or written the full sum or sums of money, or other valuable consideration, received, or in any wise directly or indirectly given, paid, agreed, secured, or contracted for, with, or in relation to any such clerk or apprentice, and a receipt given for the same by the officer or officers aforesaid, or whereupon the duties payable by this act shall not be duly paid or lawfully tendered, according to the tenor and true meaning of this act, within the time herein for that purpose limited, shall be void and not available in any court or place. or to any purpose whatsoever.

XXXV. And be it further enacted by the authority aforesaid, That if any master or mistress of any clerk or apprentice shall neglect to pay the said duty, within the time herein before limited, and any such clerk or apprentice shall in that case pay, or cause to be paid, to the amount of double the said duty, either during the term of such clerkship or apprenticeship, or within one year after the determination thereof, such master or mistress not having then paid the said double duty although required by such clerk or apprentice so to do; then, and in such case, it shall and may be lawful to and for any such clerk or apprentice, within three months after such payment of the said double duty, to demand of such master or mistress, or his or her executors or administrators, such sum or sums of money, or valuable consideration, as was or were paid to such master or mistress, for or in respect of such clerkship or apprenticeship; and in case such sum or sums of money, or valuable consideration, shall not be paid within three months after such demand thereof made, it shall and may be lawful to and for any such clerk or apprentice, or any other person or persons on his or her behalf, to sue for and recover the same, in such manner as any penalty hereby inflicted may be sued for and recovered; and such clerks or apprentices shall, immediately after payment of such double duty, be and are hereby discharged from their clerkships or apprenticeships, and from all actions, penalties, forfeitures, and damages, for not serving the time for which they were respectively bound, contracted for, or agreed to serve, and shall have such and the same benefit and advantage of the time they shall respectively have continued with and served such master or mistress, as they would

would have been intitled to in case such duty had been paid by such master or mistress, within the time herein before limited for that purpose.

XXXVI. And be it further enacted by the authority aforesaid, That all printed indentures, or contracts for binding clerks or apprentices, after the said first day of *November*, one thousand seven hundred and sixty five, within the said colonies and plantations, shall have the following notice or memorandum printed under the same, or added thereto, *videlicet*,

Printed indentures to have the following notice added thereto.

THE indenture must bear date the day it is executed, and the money or other thing, given or contracted for with the clerk or apprentice, must be inserted in words at length, and the duty paid, and a receipt given on the back of the indenture, by the distributor of stamps, or his substitute, within three months after the execution of such indenture, under the penalties inflicted by law.

The notice.

And if any printer, stationer, or other person or persons, within any of the said colonies or plantations, or any other part of his Majesty's dominions, shall sell, or cause to be sold, any such indenture or contract, without such notice or memorandum being printed under the same, or added thereto; then, and in every such case, such printer, stationer, or other person or persons, shall, for every such offence, forfeit the sum of ten pounds.

Penalty of selling any such indenture, without such notice added, is 10 l.

XXXVII. And, for the better securing the said duty on playing cards and dice; be it further enacted by the authority aforesaid, That from and after the said first day of *November*, one thousand seven hundred and sixty five, no playing cards or dice shall be sold, exposed to sale, or used in play, within the said colonies or plantations, unless the paper and thread inclosing, or which shall have inclosed, the same, shall be or shall have been respectively sealed and stamped, or marked, and unless one of the cards of each pack or parcel of cards, so sold, shall be also marked or stamped on the spotted or painted side thereof with such mark or marks as shall have been provided in pursuance of this act, upon pain that every person who shall sell, or expose to sale, any such cards or dice which shall not have been so respectively sealed, marked, or stamped, as hereby is respectively required, shall forfeit for every pack or parcel of cards, and every one of such dice so sold or exposed to sale, the sum of ten pounds.

No unstamped cards or dice to be sold, or used,

on penalty of 10 l.

XXXVIII. And it is hereby enacted by the authority aforesaid, That if any person within the said colonies or plantations, or any other part of his Majesty's dominions, shall sell or buy any cover or label which has before been made use of for denoting the said duty upon cards, in order to be made use of for the inclosing any pack or parcel of cards; every person so offending shall, for every such offence, forfeit twenty pounds.

Penalty of buying or selling covers, &c. before made use of, denoting the duty, in order to inclose other cards, is 20 l. Buyer or seller informing, is indemnified against the penalty.

XXXIX. Provided always, and be it enacted by the authority aforesaid, That if either the buyer or seller of any such cover or label shall inform against the other party concerned in buying or selling such cover or label, the party so informing shall be ad-

mitted

mitted to give evidence against the party informed against, and shall be indemnified against the said penalties.

Penalty of fraudulently inclosing cards in a stamp cover before made use of, is 20 l.

XL. And be it further enacted by the authority aforesaid, That if any person or persons shall fraudulently inclose any parcel or pack of playing cards in any outside paper so sealed and stamped as aforesaid, the same having been made use of for the purpose aforesaid; then, so often, and in every such case, every person so offending in any of the particulars before-mentioned, shall, for every such offence, forfeit the sum of twenty pounds.

Officers delivering out licences for retailing spirituous liquors or wine, are to transmit, within every two months, an account of the number so delivered, and the parties names,

XLI. And be it further enacted by the authority aforesaid, That from and after the said first day of *November*, one thousand seven hundred and sixty five, every clerk, officer, and other person employed or concerned in granting, making out, or delivering licences for retailing spirituous liquors or wine within any of the said colonies or plantations, shall, and he is hereby required and directed, within two months after delivering any such licences, to transmit to the chief distributor of stamped vellum, parchment, and paper, a true and exact list or account of the number of licences so delivered, in which shall be inserted the names of the persons licensed, and the places where they respectively reside; and if any such clerk, officer, or other person shall refuse or neglect to transmit any such list or account to such distributor, or shall transmit a false or untrue one, then, and in every such case, such clerk, officer, or other person, shall, for every such offence, forfeit fifty pounds.

on forfeiture of 50 l.

Such licences to be in force for one year only.

XLII. And be it further enacted by the authority aforesaid, That licences for selling or uttering by retail spirituous liquors or wine within any of the said colonies and plantations, shall be in force and serve for no longer than one year from the date of each licence respectively.

Where a person licenced shall die or remove, the licence shall be good for the unexpired term thereof.

XLIII. Provided nevertheless, and be it enacted by the authority aforesaid, That if any person licenced to sell spirituous liquors or wines, shall die or remove from the house or place wherein such spirituous liquors or wine shall, by virtue of such licence, be sold, it shall and may be lawful for the executors, administrators, or assigns of such person so dying or removing, who shall be possessed of such house or place, or for any occupier of such house or place, to sell spirituous liquors or wine therein during the residue of the term for which such licence shall have been granted, without any new licence to be had or obtained in that behalf; any thing to the contrary thereof in any wise notwithstanding.

Persons selling wine or spirits in a less quantity than one gallon, without taking out a licence, forfeit 20 l.

XLIV. And it is hereby enacted by the authority aforesaid, That if any person or persons shall sell or utter by retail, that is to say, in any less quantity than one gallon at any one time, any kind of wine, or any liquor called or reputed wine, or any kind of spirituous liquors, in the said colonies or plantations, without taking out such licence yearly and every year, he, she, or they so offending shall, for every such offence, forfeit the sum of twenty pounds.

XLV. And be it further enacted by the authority aforesaid, That

That every person who shall retail spirituous liquors or wine in any prison or house of correction, or any workhouse appointed or to be appointed for the reception of poor persons within any of the said colonies or plantations, shall be deemed a retailer of spirituous liquors or wine within this act.

Persons retailing spirituous liquors or wine in any prison, &c. are deemed retailers.

XLVI. Provided always, and be it further enacted by the authority aforesaid, That if at any time after the said first day of *November*, one thousand seven hundred and sixty five, there shall not be any provision made for licensing the retailers of wine or spirituous liquors, within any of the said colonies or plantations; then, and in every such case, and during such time as no provision shall be made, such licences shall and may be granted for the space of one year, and renewed from time to time by the governor or commander in chief of every such respective colony or plantation.

If no provision shall be made for licensing retailers,

licences may be granted and renewed by the respective governors.

XLVII. And it is hereby further enacted by the authority aforesaid, That every person who shall at any one time buy of any chief distributor within any of the said colonies or plantations, vellum, parchment, or paper, the duties whereof shall amount to five pounds sterling money of *Great Britain*, or upwards, shall be allowed after the rate of four pounds *per centum*, upon the prompt payment of the said duties to such chief distributor.

Persons buying at any one time, of the chief distributors, stamps to the amount of sl. are to be allowed 4l. per cent. on prompt payment.

XLVIII. And be it further enacted by the authority aforesaid, That all publick clerks or officers within the said colonies or plantations, who shall from time to time have in their custody any publick books, or other matters or things hereby charged with a stamp duty, shall, at any seasonable time or times, permit any officer or officers thereunto authorized by the said commissioners for managing the stamp duties, to inspect and view all such publick books, matters, and things, and to take thereout such notes and memorandums as shall be necessary for the purpose of ascertaining or securing the said duties, without fee or reward; upon pain that every such clerk or other officer who shall refuse or neglect so to do, upon reasonable request in that behalf made, shall, for every such refusal or neglect, forfeit the sum of twenty pounds.

Commissioners officers to be allowed to inspect, and take notes from all publick books in the publick offices where stamp duties are charged, in order to ascertain the duties,

on penalty of 20l.

XLIX. And be it further enacted by the authority aforesaid, That the high treasurer of *Great Britain*, or the commissioners of his Majesty's treasury, or any three or more of such commissioners, for the time being, shall once in every year at least, set the prices at which all sorts of stamped vellum, parchment, and paper, shall be sold by the said commissioners for managing the stamp duties, and their officers; and that the said commissioners for the said duties shall cause such prices to be marked upon every such skin and piece of vellum and parchment, and sheet and piece paper: and if any officer or distributor to be appointed by virtue of this act, shall sell, or cause to be sold, any vellum, parchment, or paper, for a greater or higher price or sum, than the price or sum so set or affixed thereon; every such officer or

Treasury to set annually the price of stamps;

the prices so set to be marked thereon; officers selling them at a higher price, forfeit 20l.

distributor shall, for every such offence, forfeit the sum of twenty pounds.

Officers employed in raising or paying the respective duties, to exhibit an attested account thereof yearly, or oftner, before the governor,

in order that the same be transmitted to the commissioners.

Officer refusing to do, or not duly paying over the money in his hands;

or diverting or misapplying any part thereof; or returning any person *insuper* for monies paid; forfeits treble the sums diverted or misapplied, and treble damages to the party grieved.

Receivers general of the duties to exhibit their accounts to the auditors of the imprest, between 10 Oc-

L. And be it also enacted by the authority aforesaid, That the several officers who shall be respectively employed in the raising, receiving, collecting, or paying, the several duties hereby charged, within the said colonies and plantations, shall every twelve months, or oftner, if thereunto required by the said commissioners for managing the said duties, exhibit his and their respective account and accounts of the said several duties upon oath, or if a quaker upon affirmation, in the presence of the governor, or commander in chief, or principal judge of the colony or plantation where such officers shall be respectively resident, in such manner as the high treasurer, or the commissioners of the treasury, or any three or more of such commissioners for the time being, shall, from time to time, direct and appoint, in order that the same may be immediately afterwards transmitted by the said officer or officers to the commissioners for managing the said duties, to be comptrolled and audited according to the usual course and form of comptrolling and auditing the accounts of the stamp duties arising within this kingdom: and if any of the said officers shall neglect or refuse to exhibit any such account, or to verify the same upon oath or affirmation, or to transmit any such account so verified to the commissioners for managing the said duties, in such manner, and within such time, as shall be so appointed or directed; or shall neglect or refuse to pay, or cause to be paid, into the hands of the receiver general of the stamp duties in *Great Britain*, or to such other person or persons as the high treasurer, or commissioners of the treasury, or any three or more of such commissioners for the time being, shall, from time to time, nominate or appoint, the monies respectively raised, levied, and received, by such officers under the authority of this act, at such times, and in such manner, as they shall be respectively required by the said high treasurer, or commissioners of the treasury; or if any such officers shall divert, detain, or misapply, all or any part of the said monies so by them respectively raised, levied, and received, or shall knowingly return any person or persons *insuper* for any monies or other things duly answered, paid, or accounted for, by such person or persons, whereby he or they shall sustain any damage or prejudice; in every such case, every such officer shall be liable to pay treble the value of all and every sum and sums of money so diverted or misapplied; and shall also be liable to pay treble damages to the party grieved, by returning him *insuper*.

LI. And be it further enacted by the authority aforesaid, That the commissioners, receiver or receivers general, or other person or persons, who shall be respectively employed in *Great Britain*, in the directing, receiving, or paying, the monies arising by the duties hereby granted, shall, and are hereby required, between the tenth day of *October* and the fifth day of *January* following, and so from year to year, yearly, at those times,

to exhibit their respective accounts thereof to his Majesty's auditors of the imprest in *England* for the time being, or one of them, to be declared before the high treasurer, or commissioners of the treasury and chancellor of the exchequer for the time being, according to the course of the exchequer.

to be declared before the treasury and exchequer.

LII. And be it further enacted by the authority aforesaid, That if the said commissioners for managing the said duties, or the said receiver or receivers general, shall neglect or refuse to pay into the exchequer all or any of the said monies, in such manner as they are required by this act to pay the same, or shall divert or misapply any part thereof; then they, and every of them so offending, shall be liable to pay double the value of all and every sum and sums of money so diverted or misapplied.

Commissioners or receivers general not duly paying the monies into the exchequer, or misapplying any part thereof, liable to misapplied.

pay double the value of the sums

LIII. And be it further enacted by the authority aforesaid, That the comptroller or comptrollers for the time being of the duties hereby imposed, shall keep perfect and distinct accounts in books fairly written of all the monies arising by the said duties; and if any such comptroller or comptrollers shall neglect his or their duty therein, then he or they, for every such offence, shall forfeit the sum of one hundred pounds.

Comptroller of the duties to keep an account of the monies arising thereby, on penalty of 100l.

LIV. And be it further enacted by the authority aforesaid, That all the monies which shall arise by the several rates and duties hereby granted (except the necessary charges of raising, collecting, recovering, answering, paying, and accounting for the same, and the necessary charges from time to time incurred in relation to this act, and the execution thereof) shall be paid into the receipt of his Majesty's exchequer, and shall be entered separate and apart from all other monies, and shall be there reserved to be from time to time disposed of by parliament, towards further defraying the necessary expences of defending, protecting, and securing, the said colonies and plantations.

Monies arising by the duties (charges thereon excepted)

to be paid into the exchequer apart, and reserved for the disposition of parliament, &c.

LV. And whereas, it is proper that some provision should be made for payment of the necessary expences which have been, and shall be incurred in relation to this act, and the execution thereof; and of the orders and rules to be established under the authority of the same, before the said duties shall take effect, or the monies arising thereby shall be sufficient to discharge such expences; be it therefore enacted by the authority aforesaid, That his Majesty may, and he is hereby empowered by any warrant or warrants under his royal sign manual, at any time or times before the twentieth day of *April*, one thousand seven hundred and sixty six, to cause to be issued and paid out of any of the surplusses, excesses, overplus monies, and other revenues composing the fund commonly called *The sinking fund* (except such monies of the said sinking fund as are appropriated to any particular use or uses, by any former act or acts of parliament in that behalf) such sum and sums of money as shall be necessary to defray the said expences; and the monies so issued, shall be reimbursed, by payment into the exchequer of the like sum

Charges attending the execution of this act before the duties take effect, to be paid out of the sinking fund, by warrant from the King, at any time before 20 April, 1766; the said monies to be repaid

out of the duties. or sums out of the first monies which shall arise by virtue of this act; which monies, upon the payment thereof into the exchequer, shall be carried to the account, and made part of the said fund.

Three commissioners im-
powered to act. LVI. And it is hereby further enacted and declared, That all the powers and authorities by this act granted to the commissioners for managing the duties upon stamped vellum, parchment, and paper, shall and may be fully and effectually carried into execution by any three or more of the said commissioners; any thing herein before contained to the contrary notwithstanding.

Penalties and
forfeitures in-
curred after 29
Sept. 1765, for
offences a-
gainst act 4
Geo. 3.

LVII. And be it further enacted by the authority aforesaid, That all forfeitures and penalties incurred after the twenty ninth day of *September*, one thousand seven hundred and sixty five, for offences committed against an act passed in the fourth year of the reign of his present Majesty, intituled, *An act for granting certain duties in the British colonies and plantations in America; for continuing, amending, and making perpetual, an act passed in the sixth year of the reign of his late majesty King George the Second, intituled, An act for the better securing and encouraging the trade of his Majesty's sugar colonies in America; for applying the produce of such duties, and of the duties to arise by virtue of the said act, towards defraying the expences of defending, protecting, and securing, the said colonies and plantations; for explaining an act made in the twenty fifth year of the reign of King Charles the Second, intituled, An act for the encouragement of the Greenland and Eastland trades, and for the better securing the plantation trade; and for altering and disallowing several drawbacks on exports from this kingdom, and more effectually preventing the clandestine conveyance of goods to and from the said colonies and plantations, and improving and securing the trade between the same and Great Britain, and for offences committed against any other act or acts of parliament relating to the trade or revenues of the said colonies or plantations; shall and may be prosecuted, sued for, and recovered, in any court of record, or in any court of admiralty, in the respective colony or plantation where the offence shall be committed, or in any court of vice admiralty appointed or to be appointed, and which shall have jurisdiction within such colony, plantation, or place, (which courts of admiralty or vice admiralty are hereby respectively authorized and required to proceed, hear, and determine the same) at the election of the informer or prosecutor.*

where to be
prosecuted and
recovered.

The monies
granted as du-
ties and im-
positions, &c. to
be considered
and paid as ster-
ling money of
Great Britain;
at the rate of
5s. 6d. per oz.
in silver.

LVIII. And it is hereby further enacted and declared by the authority aforesaid, That all sums of money granted and imposed by this act as rates or duties, and also all sums of money imposed as forfeitures or penalties, and all sums of money required to be paid, and all other monies herein mentioned, shall be deemed and taken to be sterling money of *Great Britain*, and shall be collected, recovered, and paid, to the amount of the value which such nominal sums bear in *Great Britain*; and that such monies shall and may be received and taken, according to the pro-

proportion and value of five shillings and six pence the ounce in silver; and that all the forfeitures and penalties hereby inflicted, and which shall be incurred, in the said colonies and plantations, shall and may be prosecuted, sued for, and recovered, in any court of record, or in any court of admiralty, in the respective colony or plantation where the offence shall be committed, or in any court of vice admiralty appointed or to be appointed, and which shall have jurisdiction within such colony, plantation, or place, (which courts of admiralty or vice admiralty are hereby respectively authorized and required to proceed, hear, and determine the same,) at the election of the informer or prosecutor; and that from and after the twenty ninth day of *September*, one thousand seven hundred and sixty five, in all cases, where any suit or prosecution shall be commenced and determined for any penalty or forfeiture inflicted by this act, or by the said act made in the fourth year of his present Majesty's reign, or by any other act of parliament relating to the trade or revenues of the said colonies or plantations, in any court of admiralty in the respective colony or plantation where the offence shall be committed, either party, who shall think himself aggrieved by such determination, may appeal from such determination to any court of vice admiralty appointed or to be appointed, and which shall have jurisdiction within such colony, plantation, or place, (which court of vice admiralty is hereby authorized and required to proceed, hear, and determine such appeal) any law, custom, or usage, to the contrary notwithstanding; and the forfeitures and penalties hereby inflicted, which shall be incurred in any other part of his Majesty's dominions, shall and may be prosecuted, sued for, and recovered, with full costs of suit, in any court of record within the kingdom, territory, or place, where the offence shall be committed, in such and the same manner as any debt or damage, to the amount of such forfeiture or penalty, can or may be sued for and recovered.

Penalties and forfeitures in the colonies and plantations are recoverable in any of the courts of record where the offence is committed, &c.

but persons aggrieved by the determinations of any of the said courts, under this act, or the act of 4 Geo. 3. may appeal to a vice-admiralty court.

Penalties and forfeitures incurred in other parts, to be recovered with full costs, in any court of record in the place,

Forfeitures, &c. in the colonies and plantations to be paid over, one third to the chief distributor, for the King's use, one third to the governor, and one third to the prosecutor. In other parts, one moiety to the King, and the other to the prosecutor.

LIX. And it is hereby further enacted, That all the forfeitures and penalties hereby inflicted shall be divided, paid, and applied, as follows; (that is to say) one third part of all such forfeitures and penalties recovered in the said colonies and plantations, shall be paid into the hands of one of the chief distributors of stamped vellum, parchment, and paper, residing in the colony or plantation wherein the offender shall be convicted, for the use of his Majesty, his heirs, and successors; one third part of the penalties and forfeitures, so recovered, to the governor or commander in chief of such colony or plantation; and the other third part thereof, to the person who shall inform or sue for the same; and that one moiety of all such penalties and forfeitures recovered in any other part of his Majesty's dominions, shall be to the use of his Majesty, his heirs, and successors, and the other moiety thereof, to the person who shall inform or sue for the same.

LX. And be it further enacted by the authority aforesaid, That

Offences made felonies, to be tried in any of the courts of law where committed.

That all the offences which are by this act made felony, and shall be committed within any part of his Majesty's dominions, shall and may be heard, tried, and determined, before any court of law within the respective kingdom, territory, colony, or plantation, where the offence shall be committed, in such and the same manner as all other felonies can or may be heard, tried, and determined, in such court.

Governors to be sworn to the due execution of this act.

LXI. And be it further enacted by the authority aforesaid, That all the present governors or commanders in chief of any *British* colony or plantation, shall, before the said first day of *November*, one thousand seven hundred and sixty five, and all who hereafter shall be made governors or commanders in chief of the said colonies or plantations, or any of them, before their entrance into their government, shall take a solemn oath to do their utmost, that all and every the clauses contained in this present act be punctually and *bona fide* observed, according to the true intent and meaning thereof, so far as appertains unto the said governors or commanders in chief respectively, under the like penalties, forfeitures, and disabilities, either for neglecting to take the said oath, or for wittingly neglecting to do their duty accordingly, as are mentioned and expressed in an act made in the seventh and eighth year of the reign of King *William* the Third, intituled, *An act for preventing frauds, and regulating abuses, in the plantation trade*; and the said oath hereby required to be taken, shall be administered by such person or persons as hath or have been, or shall be, appointed to administer the oath required to be taken by the said act made in the seventh and eighth year of the reign of King *William* the Third.

Penalty on not taking such oath,

or not discharging their duty, the same as is expressed in act 7 & 8 Will. 3.

Oath by whom to be administered.

Records and other writings charged with the duties, to be ingrossed and written as usually.

LXII. And be it further enacted by the authority aforesaid, That all records, writs, pleadings, and other proceedings in all courts whatsoever, and all deeds, instruments, and writings whatsoever, hereby charged, shall be ingrossed and written in such manner as they have been usually accustomed to be ingrossed and written, or are now ingrossed and written within the said colonies and plantations.

General issue.

LXIII. And it is hereby further enacted, That if any person or persons shall be sued or prosecuted, either in *Great Britain* or *America*, for any thing done in pursuance of this act, such person and persons shall and may plead the general issue, and give this act and the special matter in evidence; and if it shall appear so to have been done, the jury shall find for the defendant or defendants: and if the plaintiff or plaintiffs shall become nonsuited, or discontinue his or their action after the defendant or defendants shall have appeared, or if judgement shall be given upon any verdict or demurrer against the plaintiff or plaintiffs, the defendant or defendants shall recover treble costs, and have the like remedy for the same, as defendants have in other cases by law.

Treble costs.

CAP. XIII.

An act for empowering the commissioners for putting in execution the several acts passed for paving, cleansing, and lighting the squares, streets, and lanes, within the city and liberty of Westminster, and parts adjacent, to collect certain tolls on Sundays, upon the several roads therein mentioned, and apply the same for the purposes of the said acts.

WHEREAS an act was made in the second year of his present Majesty's reign, intituled, An act for paving, cleansing, and lighting, the squares, streets, and lanes, within the city and liberty of Westminster; the parishes of Saint Giles in the Fields, Saint George the Martyr, Saint George Bloomsbury, that part of the parish of Saint Andrew's Holbourn which lies in the county of Middlesex, the several liberties of the Rolls and Savoy, and that part of the duchy of Lancaster which lies in the county of Middlesex, and for preventing annoyances therein, and for other purposes therein mentioned: and whereas an act was made in the third year of his present Majesty's reign, to explain, amend, and render more effectual, the said former act: and whereas an act was made the last session of parliament, to explain, amend, and render more effectual, the said two former acts: and whereas great progress has been made in executing and performing the several powers and authorities in the said acts contained; but for want of a sufficient fund the same cannot be completed: wherefore, and to the end and intent that so useful an undertaking may be effectually carried into execution, may it please your Majesty, that it may be enacted; and be it enacted, &c.

Preamble.

A street toll to be paid at the several turnpikes here mentioned, before any cattle or carriage shall be permitted to pass. The tolls. The said tolls to be taken above and exclusive of all other tolls. Tolls vested in commissioners. Tolls to be levied by distress and sale. Distress may be sold after 4 days. Commissioners may erect turnpikes, &c. Turnpikes, &c. vested in the commissioners. Tolls may be collected at the turnpikes already erected. Tolls to be paid but once a day. Commissioners may lease, &c. the tolls. Commissioners may appoint officers. Officers to account upon oath. Officers refusing to account, justices to inquire into the default, and commit the offender, until payment or composition be made. Commissioners to allow officers salaries. Penalty on forcibly passing through the gates, &c. or giving or receiving tickets, &c. to avoid payment of the tolls. Tolls may be assigned for money borrowed. Assignments to be entered in a book. Assignments may be transferred. Entries of all assignments to be made. All creditors deemed equal in degree. Commencement and continuance of the tolls. Charges of passing this act to be first paid. Persons aggrieved may appeal to the quarter session. Notice of appeal to be given. Recognizance to be entered into. Proceedings not to be quashed for want of form, nor removeable by Certiorari. Writings to be without stamps. Limitation of actions. General issue. Treble costs. Publick act.

CAP. XIV.

An act for the more effectual preservation fish in fish ponds and others waters; and conies in warrens; and for preventing the damage done to sea banks, within the county of Lincoln, by the breeding conies therein.

Preamble.

WHEREAS the several laws in being for the preservation of the fish in rivers, ponds, pools, moats, stews, and other waters, are by experience found to be ineffectual to deter divers loose, idle, and disorderly persons, from stealing, taking away, or destroying, the fish therein bred and preserved; may it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That in case any person or persons from and after the first day of *June*, one thousand seven hundred and sixty five, shall enter into any park or paddock fenced in and inclosed, or into any garden, orchard, or yard, adjoining or belonging to any dwelling-house, in or through which park or paddock, garden, orchard, or yard, any river or stream of water shall run or be, or wherein shall be any river, stream, pond, pool, moat, stew, or other water, and by any ways, means, or device whatsoever, shall steal, take, kill, or destroy, any fish bred, kept, or preserved, in any such river or stream, pond, pool, moat, stew, or other water aforesaid, without the consent of the owner or owners thereof; or shall be aiding or assisting in the stealing, taking, killing, or destroying, any such fish as aforesaid; or shall receive or buy any such fish knowing the same to be so stolen or taken as aforesaid; and being thereof indicted within six calendar months next after such offence or offences shall have been committed, before any judge or justices of goal delivery for the county wherein such park or paddock, garden, orchard, or yard, shall be, and shall on such indictment be, by verdict, or his or their own confession or confessions, convicted of any such offence or offences as aforesaid; the person or persons so convicted shall be transported for seven years.

After 1 June, 1765, persons convicted, within 6 months after the offence, of stealing or destroying fish in fish ponds, &c.

or aiding or assisting therein; or knowingly receiving or buying such fish;

are to be transported for 7 years.

II. And, for the more easy and speedy apprehending and convicting of such person or persons as shall be guilty of any of the offences before-mentioned, be it further enacted by the authority aforesaid, That in case any person or persons shall, at any time after the said first day of *June*, commit or be guilty of any such offence or offences as are herein before mentioned, and shall surrender himself to any one of his Majesty's justices of the peace in and for the county where such offence or offences shall have been committed; or, being apprehended and taken, or in custody for such offence or offences, or on any other account, and shall voluntarily make a full confession thereof, and a true discovery, upon oath, of the person or persons who was or were his accomplice or accomplices in any of the said offences,

Any offender making a discovery of, and convicting his accomplices, is intitled to pardon.

so as such accomplice or accomplices may be apprehended and taken, and shall, on trial of such accomplice or accomplices, give such evidence of such offence or offences, as shall be sufficient to convict such accomplice or accomplices thereof; such person making such confession and discovery, and giving such evidence as aforesaid, shall, by virtue of this act, be pardoned, acquitted, and discharged of and from the offence or offences so by him confessed as aforesaid.

III. And be it further enacted by the authority aforesaid, That in case any person or persons shall, after the said first day of *June*, take, kill, or destroy, or attempt to take, kill, or destroy, any fish, in any river or stream, pond, pool, or other water (not being in any park or paddock, or in any garden, orchard, or yard, adjoining or belonging to any dwelling house, but shall be in any other inclosed ground which shall be private property) every such person, being lawfully convicted thereof by the oath of one or more credible witness or witnesses, shall forfeit and pay, for every such offence, the sum of five pounds, to the owner or owners of the fishery of such river or stream of water, or of such pond, pool, moat, or other water: and it shall and may be lawful to and for any one or more of his Majesty's justices of the peace of the county, division, riding, or place, where such last mentioned offence or offences shall be committed, upon complaint made to him or them, upon oath, against any person or persons, for any such last-mentioned offence or offences, to issue his or their warrant or warrants to bring the person or persons so complained of, before him or them; and, if the person or persons so complained of shall be convicted of any of the said offences last-mentioned, before such justice or justices, or any other of his Majesty's justices of the same county, division, riding or place aforesaid, by the oath or oaths of one or more credible witness or witnesses, which oath such justice or justices are hereby authorized to administer, or by his or their own confession; then, and in such case, the party so convicted shall, immediately after such conviction, pay the said penalty of five pounds, hereby before imposed for the offence or offences aforesaid, to such justice or justices before whom he shall be so convicted, for the use of such person or persons as the same is hereby appointed to be forfeited and paid unto; and, in default thereof, shall be committed by such justice or justices to the house of correction, for any time not exceeding six months, unless the money forfeited shall be sooner paid.

Persons convicted of taking or destroying, &c. fish in rivers or other waters, forfeit to the owner of the fishery 5*l*.

On complaint of the offence, justice to issue his warrant for apprehending the offender;

and the penalty to be paid down upon conviction; otherwise the offender to be committed to the house of correction for 6 months;

IV. Provided nevertheless, That it shall and may be lawful to and for such owner or owners of the fishery of such river or stream of water, or of such pond, pool, or other water, wherein any such offence or offences last-mentioned shall be committed as aforesaid, to sue and prosecute for, and recover the said sum of five pounds, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*; and in such action or suit, no essoin, wager of law, or more than one imparlance shall be allowed; provided that such action or suit be brought, or commenced, within six calendar months next after such offence or offences shall have been committed.

or an action may be brought for the penalty in any of the courts at Westminster, within 6 months after the offence:

None liable to
forfeit for tak-
ing fish in any
river, &c.
wherein they
have a right.

V. Provided always, and be it further enacted by the authority aforesaid, That nothing in this act shall extend, or be construed to extend, to subject or make liable any person or persons to the penalties of this act, who shall fish, take, or kill, and carry away any fish, in any river or stream of water, pond, pool, or other water, wherein such person or persons shall have a just right or claim to take, kill, or carry away any such fish.

VI. And whereas there are many thousand acres of land in this kingdom altogether unfit for cultivation, and yet the same are capable of rendering great profit, by the breeding and maintaining conies, as well to the owners of such lands, as to a multitude of industrious manufacturers, who gain their livelihood by working up coney wool: and whereas a great part of the said land is already used as warrens, in the breeding and maintaining conies, but, because divers disorderly persons, neglecting their own lawful trades, have betaken themselves to the taking, killing, and stealing of conies, in the night-time, whereby the owners and occupiers of such warrens are greatly discouraged, and many such owners and occupiers have been induced to destroy such warrens, and others have been deterred from stocking other lands, to the great prejudice of the manufactures of this kingdom: and whereas the provisions already subsisting have, by experience, been found insufficient for the effectual preservation of of conies in warrens: for remedy whereof, be it further enacted,

Persons con-
victed of enter-
ing warrens,
in the night-
time, and tak-
ing or killing
conies there,

or aiding or
assisting there-
in,

may be punish-
ed by trans-
portation,
or by whip-
ping, fine, or
imprisonment.

Persons con-
victed on this
act, not liable
to be convict-
ed under any
former act.

This act not
to extend to
the destroying

That if any person or persons shall, from and after the first day of *June*, one thousand seven hundred and sixty five, wilfully and wrongfully, in the night-time, enter into any warren or grounds lawfully used or kept for the breeding or keeping of conies, although the same be not inclosed, and shall then and there wilfully and wrongfully take or kill, in the night-time, any coney or conies, against the will of the owner or occupier thereof, or shall be aiding and assisting therein, and shall be convicted of the same before any of his Majesty's justices of oyer and terminer, or general gaol delivery, for the county where such offence or offences shall be committed; every such person and persons so offending, and being thereof lawfully convicted in manner aforesaid, shall and may be transported for the space of seven years, or suffer such other lesser punishment by whipping, fine, or imprisonment, as the court, before whom such person or persons shall be tried, shall, in their discretion, award, and direct.

VII. Provided always, and be it enacted, That no person who shall be convicted of any offence against this act, shall be liable to be convicted for any such offence under any former act or acts, law or laws, now in force.

VIII. And whereas great mischief and damage has been, and still may be, occasioned by the increase of conies upon the sea and river banks in the county of *Lincoln*, or upon the land or ground within a certain distance from the said banks: for remedy thereof, be it enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend

tend, to prevent any person or persons from killing and destroy-
ing, or from taking and carrying away, in the day-time, any co-
nies that shall be found on any sea or river banks, erected, or to
be erected, for the preservation of the adjoining lands from being
overflowed by the sea or river waters, so far as the flux and reflux
of the tide does or shall extend, or upon any land or ground with-
in one furlong distance of such sea or river banks; but that it
shall and may be lawful to and for any person or persons, to en-
ter upon any such banks, land, or ground, as aforesaid, within
the said county of *Lincoln*, and to kill, destroy, take, and carry
away, in the day-time, to his or their own use, any conies so
found upon any such banks, land, or ground, as aforesaid, with-
in the said county, he or they doing as little damage as may be
to the owner or tenant of such banks, land, or ground; any
thing in this or any other act contained to the contrary notwith-
standing.

IX. Provided also, That no person or persons shall be obliged
to make satisfaction for any damages that may be occasioned by
such entry, unless such damages shall exceed the sum of one
shilling.

CAP. XV.

*An act for enlarging the times limited for executing and per-
forming several provisions, powers, and directions, in
certain acts of this session of parliament.*

WHEREAS by certain acts of this present session of parlia-
ment; several provisions, powers, and authorities, therein
contained, have been or may be required, directed, or authorized, to
be executed on or before the day of the passing of such acts respective-
ly, whereby several doubts and difficulties may arise with respect to
the execution of the said acts, and the good purposes thereby intended
may be defeated: be it therefore enacted by the King's most ex-
cellent majesty, by and with the advice and consent of
the lords spiritual and temporal, and commons, in this
present parliament assembled, and by the authority of the same,
That in case any act of parliament hath passed, or doth or shall
pass, at any time whatsoever during this present session of par-
liament, whereby any provision, power, or authority; or any
matter or thing, hath been, is, or shall be, directed, required, or
authorized, to be executed, done, or performed, on or before
any day which hath been, is, or shall be, the day of the passing,
or which hath, is, or shall have elapsed before the passing of any
such act respectively; in each and every such case, all such pro-
visions, powers, authorities, matters, and things, as have been,
are, or shall be, directed or required to be executed, done, or
performed, on or before the days respectively limited in every
such act, shall be, and are hereby directed and required to be
executed, done, and performed, on or before the day fortnight
next after the end of this present session of parliament, by the
persons respectively who, in every such act respectively, have
been, are, or shall be, directed or required to execute, do, or

Preamble.

Where it shall
happen, that
any provisions
and powers, in
any act of this
session,
shall be direct-
ed to be exe-
cuted on or
before the day
on which such
act shall pass,
or which shall
have elapsed
before the
passing such
act;
such provisions
and powers
may be exe-
cuted on or
before the day
fortnight next
after the end
per- of this session.

perform the same, on or before the days therein limited: and all such provisions, powers, authorities, matters, and things, as have been, are, or shall be, authorized to be executed, done, or performed, on or before the respective days limited in every such act respectively, may be, and are hereby authorized to be, executed, done, and performed, on or before the day fortnight next after the end of this present session of parliament, by the persons respectively who have been, are, or shall be, authorized to execute, do, or perform the same: and all such provisions, powers, authorities, matters, and things, so executed, done, and performed, on or before the day fortnight next after the end of this present session of parliament, shall be as valid and effectual, and be deemed and taken, to all intents and purposes, as if the same had been executed, done, and performed, on or before the days limited in every such act respectively; any thing therein contained to the contrary notwithstanding.

C A P. XVI.

An act for altering the times of payment of certain annuities, established by two acts made in the thirty third year of the reign of his late Majesty, and in the second year of the reign of his present Majesty.

Preamble, reciting clauses in

WHEREAS several annuities after the rate of four pounds per centum, for certain terms of years, and, after the expiration thereof, at three pounds per centum, redeemable by parliament, were established by an act made in the thirty third year of the reign of his late majesty King George the Second, intituled, An act for granting to his Majesty several duties upon malt; and for raising the sum of eight millions, by way of annuities and a lottery, to be charged on the said duties; and to prevent the fraudulent obtaining of allowances in the gauging of corn making into malt; and for making forth duplicates of exchequer bills, tickets, certificates, receipts, annuity orders, and other orders, lost, burnt, or otherwise destroyed; and several other annuities after the like rate of four pounds per centum, for a certain term of years, and, after the expiration thereof, in like manner, at three pounds per centum, were established by an act made in the second year of the reign of his present Majesty, intituled, An act for raising by annuities, in manner therein mentioned, the sum of twelve millions, to be charged on the sinking fund; and for applying the surplus of certain duties on spirituous liquors, and also the monies arising from the duties on spirituous liquors, granted by an act of this session of parliament; all which said annuities were, by the said act, made payable half-yearly on the fifth day of July, and the fifth day of January, in every year, and were, by the said last-mentioned act, consolidated, and made one joint stock of annuities for the principal sum of twenty millions two hundred and forty thousand pounds: and whereas it is expedient that the times appointed by the said acts, for the payment of the said annuities, should, with the consent of the proprietors thereof, be altered; may it therefore please your

Act 33 Geo. 2.

& act 2 Geo. 3.

your Majesty, that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same,

That from and after the payment of the said annuities for the half year which shall become due on the fifth day of *July*, one thousand seven hundred and sixty five, the subsequent payments thereof shall, with the consent of the proprietors, be made in manner following; that is to say, one quarterly payment of such annuities shall be made on the tenth day of *October*, one thousand seven hundred and sixty five; and from and after the said tenth day of *October*, such annuities shall be paid and payable half-yearly, on the fifth day of *April*, and the tenth day of *October*, in every year, until redemption thereof by parliament, in the manner authorized by the said acts.

Times of payment of the annuities granted by the recited acts to be changed, viz. After payment of the half year due on 5 July, 1765, the subsequent payments, with consent thence for-

wards half-yearly, are to be made, 1 quarter on 10 Oct. 1765, and from 5 April and 10 Oct. yearly.

II. And be it further enacted by the authority aforesaid, That such proprietors of the said annuities who shall not, on or before the first day of *June*, one thousand seven hundred and sixty five, signify their dissent to the said alteration of the times for the payment of the said annuities, in books to be opened at the bank of *England* for that purpose, shall be deemed and taken to assent thereto; any thing to the contrary thereof in any wise notwithstanding.

Proprietors not entering their dissent thereto by 1 June, 1765, deemed to assent.

III. Provided nevertheless, That all the provisions, powers, and directions, in the said acts, relative to the payment of the said annuities at the times therein mentioned, shall take effect, operate, and be executed, with respect to the payment of the said annuities on the days hereby appointed, as fully and effectually as if the same were herein repeated, re-enacted, and applied to the payments to be made by the authority of this act.

All other provisions, relative to the payment of the said annuities, to be in force.

CAP. XVII.

An act to confirm all leases already made by archbishops and bishops, and other ecclesiastical persons, of tythes and other incorporeal hereditaments, for one, two, or three life or lives, or twenty one years; and to enable them to grant such leases, and to bring actions of debt for recovery of rents reserved and in arrear on leases for life or lives.

WHEREAS it may be doubtful whether, by the laws now in being, archbishops or bishops, master and fellows, or any other head and members of colleges or halls, deans and chapters, precentors, prebendaries, masters and guardians of hospitals, or any other person or persons having any spiritual or ecclesiastical promotions, heretofore had, or now have, any power to make or grant any lease or leases of tythes, or other incorporeal hereditaments only, which lie in grant and not in livery, for one, two, or three lives, or for any term or terms of years not exceeding twenty one years, although the ancient rent, or yearly sum is thereby mentioned to be reserved, and all other requi-

Preamble.

sites prescribed by the acts of parliament now in being to that end, or any of them, were or are justly and truly observed and performed, by reason that there is generally no place wherein a distress can be had or taken for such rent or yearly sum; and it may be also doubtful whether, in cases of such leases for life or lives, there is any remedy in law for such ecclesiastical or other persons by action of debt or otherwise, for recovering the rent or yearly sum due and arrear which is mentioned to be reserved on such leases for life or lives: therefore for obviating all doubts touching the same, and enabling the said archbishops and bishops, masters and fellows, or other heads and members of colleges or halls, deans and chapters, precentors, prebendaries, masters and guardians of hospitals, and other ecclesiastical persons, to make valid leases of such their incorporeal hereditaments, and to recover the rents or yearly sum mentioned to be reserved on any leases by them already granted, or to be granted, for one, two, or three lives, as aforesaid; and also to make good and effectual all such leases as have already been granted by them, or any of them: may it please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all leases

Leases already made, or that shall be made, by ecclesiastical persons, of tythes and other incorporeal hereditaments, for life or lives, or years, declared to be good in law,

for one, two, or three life or lives, or any term not exceeding twenty one years, already made and granted, or which shall at any time from and after the passing this act be made or granted, of any tythes, tolls, or other incorporeal hereditaments, solely, and without any lands or corporeal hereditaments, by any archbishop or bishop, master and fellows, or other head and members of colleges or halls, deans and chapters, precentors, prebendaries, masters and guardians of hospitals, and every other person and persons who are enabled by the several statutes now in being, or any of them, to make any lease or leases for one, two, or three life or lives, or any term or number of years not exceeding twenty one years, of any lands, tenements, or other corporeal hereditaments, shall be, and are hereby deemed and declared to be, as good and effectual in law against such archbishop, bishop, masters and fellows, or other heads and members of colleges or halls, deans and chapters, precentors, prebendaries, masters and guardians of hospitals, and other persons so granting the same, and their successors, and every of them, to all intents and purposes, as any lease or leases already made or to be made by any such archbishop or bishop, master and fellows, or other heads and members of colleges or halls, deans and chapters, precentors, prebendaries, masters and guardians of hospitals, and other persons having spiritual promotion, of any lands or other corporeal hereditaments now are, by virtue of the statute of the thirty second year of King Henry the Eighth, or any other statute now in being; any law, custom, or usage, to the contrary thereof in any wise notwithstanding.

as those granted by virtue of act 32 Hen. 8.

Masters and fellows of

. II. Provided always, That nothing herein contained shall extend, or be construed to extend, to enable any master and fellows,

lows, or other head and members of colleges or halls, deans and chapters, precentors, prebendaries, masters and guardians of hospitals, or other ecclesiastical persons as aforesaid, to grant leases for any longer or other terms than, by the local statutes of their several foundations, they are now respectively enabled to do.

colleges, &c. disabled from granting leases for any longer term than their statutes allow.

III. And be it further enacted and declared by the authority aforesaid, That in case the rent or rents, or yearly sum or sums, reserved or made payable in or by any lease or leases already made, or to be made, by any archbishop or bishop, master and fellows, or other head and members of colleges or halls, deans and chapters, precentors, prebendaries, masters and guardians of hospitals, and every other person or persons so enabled to make leases as aforesaid for one, two, or three life or lives, or years, in pursuance of the several acts of parliament already in being, or by this present act, or any part thereof, shall be behind or unpaid by the space of twenty eight days next or over after any of the days whereon the same, by such lease or leases, now are or hereafter shall or may be reserved and made payable; then, and so often, and from time to time, as it shall so happen; it shall and may be lawful for such archbishop or bishop, master and fellows, or other head and members of colleges or halls, deans and chapters, prebendaries, precentors, masters and guardians of hospitals, and other persons so making or granting, or having made or granted, such leases as aforesaid, or their executors, administrators, and successors respectively, to bring an action or actions of debt against any lessee or lessees, to whom any such lease or leases for life or lives, or years, now are or hereafter shall be made and granted, his, her or their heirs, executors, administrators, or assigns, for recovering the rent or rents which shall be then due and in arrear to any such archbishop or bishops, masters and fellows, or other heads and members of colleges or halls, deans, chapters, precentors, prebendaries, master and guardians of hospitals, and other person or persons before mentioned, his or their executors, administrators, or successors, in such and the same manner, and as fully and effectually to all intents and purposes, as any landlord or lessor, or other person or persons, could or might do for recovering of arrears of rent due on any lease or leases for life or lives, or years, by the laws now in being; any law, statute, usage, or custom, to the contrary notwithstanding.

Actions may be brought for recovery of rents reserved and in arrear on leases for life or lives.

IV. And it is hereby further enacted and declared by the Publick authority aforesaid, That this act shall be deemed and taken to be a publick act; and shall be judicially taken notice of as such, in all courts of law and equity without specially pleading the same.

CAP. XVIII.

An act for continuing an act, made in the thirty first year of his late Majesty's reign, for encouraging the growth and cultivation of madder in that part of Great Britain called England, by ascertaining the tythe thereof.

Preamble.

WHEREAS an act made in the thirty first year of his late majesty King George the Second, intituled, An act to encourage the growth and cultivation of madder in that part of Great Britain called England, by ascertaining the tythe thereof, was to continue in force from the first day of August, one thousand seven hundred and fifty eight, for the space of fourteen years, and from thence to the end of the then next session of parliament: and whereas the cultivation of madder, from the setting to its being fit for use, requires so long a time, and the buildings, mills, and other requisites necessary to be provided and maintained for manufacturing it, are so expensive, that many people may be unwilling to begin the culture of it during the subsisting term of the said act: and whereas the price of foreign madder is of late greatly raised, and the same does not come into the consumers hands so good as it may be manufactured here; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said act shall be, and the same is hereby declared to be, further continued from the expiration thereof, for and during the further term of fourteen years, and to the end of the then next session of parliament.

The recited act continued for the further term of 14 years.

CAP. XIX.

An act for raising a certain sum of money by loans or exchequer bills, for the service of the year one thousand seven hundred and sixty five.

Most gracious Sovereign,

Preamble.

WE, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, towards raising the necessary supplies which we have cheerfully granted to your Majesty in this session of parliament, have resolved to give and grant unto your Majesty the sum herein after mentioned; and do therefore most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the commissioners of his Majesty's treasury now or for the time being, or any three or more of them, or the high treasurer for the time being, at any time or times before the fifth day of January, one thousand seven hundred and sixty six, to cause or direct any loans to be taken or received at his Majesty's

Treasury empowered, at any time before 5 Jan. 1766, to direct the receiving loans, or issuing bills, at

sty's exchequer, from any person or persons, natives or foreigners, body or bodies politick or corporate, or any number of exchequer bills to be made out there, for any sum or sums of money not exceeding in loans and exchequer bills together, in the whole, the sum of eight hundred thousand pounds, in the same or like manner, form, and order, and according to the same or like rules and directions, as in and by an act of this present session of parliament, intituled, *An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and sixty five*, are enacted and prescribed, concerning the loans or exchequer bills to be taken or made in pursuance of the said act.

II. And be it further enacted by the authority aforesaid, That all and every the clauses, provisos, powers, privileges, &c. in the said advantages, penalties, forfeitures, and disabilities, contained in the said last mentioned act, relating to the loans or exchequer bills authorized to be made by the same act, except such clauses as do charge the same on the taxes granted by the same act, and (except such clauses as limit the rate of interest to be paid for the forbearance of money lent on the credit of the said act, and also except as is herein after mentioned) shall be applied and extended to the loans and exchequer bills to be made in pursuance of this act, as fully and effectually, to all intents and purposes, as if the same loans or exchequer bills had been originally authorized by the said last mentioned act, or as if the said several clauses or provisos had been particularly repeated and re-enacted in the body of this act.

III. Provided always, and be it further enacted by the authority aforesaid, That no exchequer bill or bills to be made out by virtue of this act, shall, after the same hath or have been issued at the exchequer, be afterwards at any time before the sixth day of *April*, one thousand seven hundred and sixty six, received or taken, or pass or be current to any receiver or collector in *Great Britain* of the customs, excise, or any revenue, supply, aid, or tax whatsoever, due or payable to his Majesty, his heirs or successors, or at the receipt of the exchequer, from any such receiver or collector, or from any other person or persons, bodies politick or corporate, otherwise, or on any other account, than for the discharge and cancelling of such bills, in case the same shall be in due course or order of payment before the said sixth day of *April*; nor shall any such receiver or collector exchange, at any time before the said sixth day of *April*, for any money of such revenues, aids, taxes, or supplies, in his hands, any exchequer bill or bills, which shall have been issued as aforesaid by virtue of this act; nor shall any action be maintained against any such receiver or collector, for neglecting or refusing to exchange any such bill or bills for ready money before the said sixth day of *April*; any thing in the said act made in this present session of parliament, intituled, *An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for*

the exchequer, for any sum or sums not exceeding in the whole 800,000l. in like manner as is prescribed by malt act of this session.

The clauses, &c. in the said act to extend to the loans and bills hereby authorized to be received and made out.

Exchequer bills so issued, not to be received in payment of any of the publick taxes, before 6 April, 1766; unless the same shall be in course of payment before the said day.

the service of the year one thousand seven hundred and sixty five, or this act, contained to the contrary notwithstanding.

The loans and bills, and interest, &c. attending, charged on the next aids, or on the sinking fund, if no sufficient aid shall be granted before 5 July, 1766.

IV. And be it further enacted by the authority aforesaid, That all such loans or exchequer bills, together with the interest, premium, rate, and charges, incident to or attending the same, shall be and are hereby charged and chargeable upon, and shall be repaid or borne by or out of, the first aids or supplies which shall be granted in the next session of parliament; and in case sufficient aids or supplies for that purpose shall not be granted before the fifth day of *July*, one thousand seven hundred and sixty six, then all the said loans or exchequer bills, with the interest, premium, rate, and charges, incident to or attending the same, shall be and are hereby charged and chargeable upon such monies as, at any time or times at or after the said fifth day of *July*, shall be or remain in the receipt of the exchequer, of the surplusses, excesses, overplus monies, and other revenues composing the fund commonly called *The sinking fund* (except such monies of the said sinking fund as are appropriated to any particular use or uses, by any act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be issued and applied, as soon as the same can be regularly stated and ascertained, for and towards paying off, cancelling, and discharging, such loans or exchequer bills, interest, premium, rate, or charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose be kept and reserved in the exchequer, to be payable on demand to the respective proprietors thereof.

Monies issued out of the sinking fund to be replaced out of the first supplies.

V. Provided always, and be it enacted by the authority aforesaid, That whatever monies shall be so issued out of the said surplusses, excesses, overplus monies, or other revenues composing the sinking fund, shall, from time to time, be replaced by and out of the first supplies to be then after granted in parliament; any thing herein contained to the contrary notwithstanding.

Bank of England authorized to advance monies upon the credit of loan hereby granted, notwithstanding act 5 & 6 W. & M.

VI. And be it declared and further enacted by the authority aforesaid, That it shall and may be lawful for the governor and company of the bank of *England*, to advance or lend to his Majesty in like manner, at the receipt of the exchequer, upon the credit of loan granted by this act, any sum or sums of money not exceeding, in the whole, the sum of eight hundred thousand pounds; any thing in an act made in the fifth and sixth years of the reign of King *William* and Queen *Mary*, intituled, *An act for granting to their Majesties several rates and duties upon tonnage of ships and vessels, and upon beer, ale, and other liquors, for securing certain recompences and advantages, in the said act mentioned, to such persons as shall voluntarily advance the sum of one million five hundred thousand pounds, towards carrying on the war against France, to the contrary thereof in any wise notwithstanding.*

CAP. XX.

An act for explaining and rendering more effectual two acts, one made in the twelfth year of the reign of Queen Anne, intituled, An act for providing a publick reward for such person or persons as shall discover the longitude at sea; and the other in the twenty sixth year of the reign of King George the Second, intituled, An act to render more effectual an act made in the twelfth year of the reign of her late majesty Queen Anne, intituled, An act for providing a publick reward for such person or persons as shall discover the longitude at sea, with regard to the making experiments of proposals made for discovering the longitude; and to enlarge the number of commissioners for putting in execution the said act.

WHEREAS by two several acts made, the one in the twelfth year of the reign of her late majesty Queen Anne, intituled, *An act for providing a publick reward for such person or persons as shall discover the longitude at sea; and the other in the twenty sixth year of the reign of his late majesty King George the Second, intituled, An act to render more effectual an act made in the twelfth year of the reign of her late majesty Queen Anne, intituled, An act for providing a publick reward for such person or persons as shall discover the longitude at sea, with regard to the making experiments of proposals made for discovering the longitude; and to enlarge the number of commissioners for putting in execution the said act; the commissioners named in, and constituted by the said acts, were impowered to receive proposals for discovering the said longitude, and make experiments of the same; and whereas by the said act of the twelfth of Queen Anne, it was enacted, That the first author or authors, discoverer or discoverers, of a proper method for finding the said longitude within certain distances, should be intitled to and receive certain rewards therein mentioned; that is to say, a reward or sum of ten thousand pounds, if it determines the said longitude to one degree of a great circle, or sixty geographical miles; fifteen thousand pounds, if it determines the same to two thirds of that distance; and twenty thousand pounds, if it determines the same to one half the same distance: and whereas in and by the said act it was further enacted, That if, upon trial, any proposal for discovering the said longitude should not prove to be of so great use as before mentioned, yet if the same, in the judgement of the said commissioners, or the major part of them, should be found of considerable use to the publick, then the said author or authors of such proposal should receive such less reward as the said commissioners, or the major part of them, should think reasonable: and whereas the said commissioners have, from time to time, in pursuance of the powers vested in them by the said act, received proposals from Mr. John Harrison for discovering the said longitude, by means of certain machines or time keepers*

Preamble, re-
citing clauses
in act 12 Ann.
26 Geo. 2. &c.

in-

invented by him, and have directed several sums of money to be paid to the said John Harrison to enable him to finish his said machines or time keepers, or some of them, upon condition of his delivering the same up to and for the use of the publick: and whereas the said John Harrison did, by direction of the said commissioners, enter into articles with the commissioners of the navy, whereby he agreed, in consideration of the sums so advanced to him, to deliver up the three several machines or time keepers in the said articles mentioned: and whereas, upon trial of one other watch machine or time keeper in a voyage to Jamaica, the major part of the said commissioners did adjudge the same to be of considerable use to the publick, and did accordingly order the payment of the sum of two thousand five hundred pounds to the said John Harrison, which sum was to be deemed and taken as part of such of the rewards, in and by the said act allowed for discovering the said longitude, as he might become intitled to, and as such has been by him received; and the said watch or time keeper was to become the property of the publick: and whereas upon a further trial of the said last mentioned watch or time keeper, a ship has sailed, by the appointment of the commissioners for the discovery of the longitude, from Portsmouth in Great Britain, to Bridgetown in the island of Barbadoes in the West Indies; and whereas by means of the said watch or time keeper invented by Mr. John Harrison, the said ship did not lose it's longitude beyond ten geographical miles: and whereas the method for finding the longitude at sea, within half a degree of a great circle, or thirty geographical miles, by means of the said watch or time keeper invented by the said John Harrison, may be made generally practicable, and of general utility, if the principles upon which the said watch or time keeper is constructed are fully discovered and explained, and other watches or time keepers of the same kind can be made; but doubts may arise, whether, by the words of the said act of the twelfth of Queen Anne, the said commissioners can direct the payment of the said reward of twenty thousand pounds to the said John Harrison, upon a discovery of the principles of the said watch or time keeper, and upon other watches or time keepers of the same kind being made: and whereas great progress has been made towards discovering the longitude at sea by a set of lunar tables constructed by Tobias Mayer deceased, late professor at Goettingen in Germany, upon the principles of gravitation laid down by Sir Isaac Newton; in the construction of which tables he was considerably assisted from theorems furnished by professor Euler of the university of Berlin: and whereas the said tables are of considerable use to the publick, and may be further improved, and made of more general utility: and whereas the widow, or other representatives of the said professor Mayer, are, within the intention of the said act, deserving of a publick reward, upon her or their assigning the property of the said tables to the said commissioners for the use of the publick; and the said professor Euler is also deserving of an honorary and pecuniary acknowledgment for his useful and ingenious labours towards the discovery of the longitude: and whereas it is necessary that the powers of the said act of the twelfth year of Queen Anne, and also of the said act of the twenty sixth year of King George the Second, should be

be explained and made effectual, as well for receiving the discovery and explanation of the principles upon which the said watch or time keeper is constructed, and for making trial of other watches or time keepers to be made in consequence thereof, and for paying the said reward to the said John Harrison, his executors, administrators, or assigns, as for giving proper rewards to the said professor Euler, and to the widow or representatives of the said professor Mayer, and to such person or persons as shall improve the said tables of the moon, and make the same of more general utility; and also to such person or persons as shall make other discoveries or improvements useful to navigation: may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty,

by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That one moiety of the said greatest reward which is directed in and by the said act, made in the twelfth year of the reign of Queen Anne, to be paid to the first author or authors, discoverer or discoverers, of a proper method for finding the said longitude at sea, shall be paid to the said John Harrison his executors, administrators, or assigns, when and so soon as the principles upon which his said watch or time keeper is constructed are fully discovered, and explained to the satisfaction of the said commissioners for the discovery of the longitude, or the major part of them; and when and so soon as the said John Harrison hath assigned to the said commissioners, for the use of the publick, the property of the three several time keepers which, in and by the said articles, he agreed to deliver up, and also the property of the said last mentioned watch or time keeper, deducting from and out of the said moiety, so to be paid to the said John Harrison, his executors, administrators, or assigns, the sum of two thousand five hundred pounds already advanced and paid to him; and that the other moiety of the said greatest reward mentioned in the said act shall, when and so soon as other time keepers of the same kind shall be made, and shall, upon trial, be found to be of a sufficient correctness to determine the said longitude within half a degree of a great circle, or thirty geographical miles, to the satisfaction of the said commissioners, or the major part of them, be paid to the said John Harrison, his executors, administrators, or assigns.

10,000 l. to be paid, as a present reward, to Mr. John Harrison, pursuant to the act of 12 ann.

upon his discovering the principles of his time keeper, and assigning the property of 3 of those instruments, and the last mentioned watch, for the use of the publick; deducting the 2,500 l. already advanced him; and other 10,000 l. to be paid when the other time keepers are made, and proved to be of sufficient correctness.

II. Provided always, and be it enacted by the authority aforesaid, That the said Master John Harrison shall not be intitled, by virtue of any thing contained in this act, to the said reward, or any part thereof, unless the discovery and explanation of the principles upon which his said time keeper is constructed, shall be made within six months after the passing of this act.

III. And be it further enacted by the authority aforesaid, That a reward or sum of money, not exceeding three hundred pounds in the whole, shall be paid to the said professor Euler.

IV. And be it further enacted by the authority aforesaid, That a reward or sum of money, not exceeding three thousand pounds in the whole, shall be paid to the widow or other representatives of the said professor Mayer, upon assigning the property of

300 l. to be paid to professor Euler. and 3000 l. to the widow of professor Mayer, upon assigning the property of

the latest MS
lunar tables
constructed by
him.

5,000 l. pro-
posed to any
who shall im-
prove the said
tables,
or shall make
any discovery
or improve-
ment useful
to navigation.

Clauses, &c. in
the acts of 12
Annæ and 26,
Geo. 2. con-
tinued in
force, where
not altered by
this act.

Rewards, by
this act grant-
ed, to be cer-
tified by the
commissioners
for the longi-
tude to the
commissioners
of the navy;
who are to
make out bills
for the same,
payable by the
treasurer of
the navy,

out of the un-
applied money
in his hands.

Where any
reward ex-
ceeds 1,000 l.
it is to be cer-
tified by the
majority of
the commis-
sioners; and
not exceed-
ing, that sum,
may be certi-
fied by five.
Commission-
ers for the
longitude im-
powered to
administer
oaths,

sentatives of the said professor *Mayer* upon her or their assigning the property of the set of the latest manuscript lunar tables, constructed by the said *Tobias Mayer*, to the said commissioners, to and for the use of the publick.

V. And be it further enacted by the authority aforesaid, That any reward or rewards, sum or sums of money not exceeding in the whole the sum of five thousand pounds, shall and may be paid to such person or persons, as shall improve the said tables of the moon; or that shall make any discovery or discoveries, improvement or improvements, useful to navigation; which said reward or rewards, sum or sums of money, shall and may be paid to such person or persons, and in such proportion or proportions, as the said commissioners shall, from time to time, think proper and direct.

VI. And be it further enacted by the authority aforesaid, That all the clauses, powers, authorities, matters, and things, contained in any or either of the said two acts, made in the twelfth year of the reign of *Queen Anne*, and in the twenty sixth year of the reign of *King George the Second*, not altered by this act, shall continue in full force, and extend, and be construed to extend, to this act, as fully and amply as if again repeated and re-enacted in the body of this present act; and that all and every the reward or rewards, sum or sums of money, by this act granted and allowed, shall, from time to time, be certified under the hands and seals of the said commissioners for the discovery of the longitude, to the commissioners of the navy for the time being; and the commissioners of the navy for the time being shall make out a bill or bills for the sum or sums contained in the said certificate or certificates, payable by the treasurer of the navy; and such sum or sums of money the said treasurer of the navy is hereby required to pay immediately, to the person or persons mentioned in the said certificate or certificates, out of any money that shall be in his hands unapplied for the use of the navy, in such and the same manner, and according to the same rules and directions as are prescribed in and by the said two recited acts, or either of them, with regard to any reward or rewards, sum or sums of money, allowed to be given and paid in and by the said acts or either of them.

VII. Provided always, That all and every such reward or sum of money that shall exceed the sum of one thousand pounds, shall be certified under the hands and seals of the said commissioners, or the major part of them; but in case such reward or sum of money shall not exceed the sum of one thousand pounds, then, and in that case, it shall and may be certified under the hands and seals of the said commissioners, or any five or more of them.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners for the discovery of the longitude, or the major part of them, and they are hereby authorized and empowered for their better satisfaction, if they shall see occasion, to administer an

oath

oath or oaths to such person or persons as they shall think proper, for the purposes of carrying this act into execution: which oath or oaths, it shall and may be lawful to and for any two or more of the said commissioners to administer accordingly. for the purposes of this act.

IX. And whereas, since the passing of the said act of the twelfth of Queen Anne, another professorship for the purpose of astronomy has been established in the university of Cambridge; be it therefore enacted, That the Lowndes's professor of astronomy in the university of Cambridge for the time being shall be, and he is hereby added to, and joined with, the commissioners appointed by the said act of the twelfth of Queen Anne, and by another act passed in the twenty sixth year of King George the Second; and the said professor of astronomy is hereby appointed a commissioner, and shall and may act, to all intents and purposes, for putting in execution the said acts and this present act, as fully and effectually as if he had been appointed a commissioner by the said acts of the twelfth of Queen Anne, and of the twenty sixth of King George the Second, or either of them. Lowndes's professor of astronomy in Cambridge made a joint commissioner for the longitude.

X. And whereas the publication of nautical almanacks constructed by proper persons, under the direction of the said commissioners, would greatly contribute to make the said lunar tables more generally useful; be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners to cause such nautical almanacks, or other useful tables, to be constructed, and to print, publish, and vend, or cause to be printed, published, and vended, any nautical almanack or almanacks, or other useful table or tables, which they, or the major part of them, shall, from time to time, judge necessary and useful, in order to facilitate the method of discovering the longitude at sea; any law, statute, exclusive privilege, private charter, or other custom, to the contrary thereof notwithstanding. The construction and publication of nautical almanacks, or other tables, recommended to the commissioners for the longitude.

XI. And be it enacted by the authority aforesaid, That no person or persons shall print, publish, or vend, or cause to be printed, published, or vended, any nautical almanack or almanacks, or other table or tables constructed under the direction of the said commissioners, without being first licensed by the said commissioners, or the major part of them; and if any person or persons not so licensed, or not being authorized by the person or persons so licensed by the said commissioners, shall print, publish, or vend, or cause to be printed, published, or vended, any such nautical almanack or almanacks, or other table or tables, every such person or persons shall, for every copy of such nautical almanack or table so printed, published, or vended, forfeit and pay the sum of twenty pounds; to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster; and that one moiety of such penalty and forfeiture shall be to his Majesty, his heirs, and successors, and the other moiety to him or them that shall prosecute, inform, or sue for the same. None to print, publish, or vend the same, but such as shall be licensed, under penalty of 20 l. for every copy.

C A P. XXI.

An act for appointing commissioners to put in execution an act of this session of parliament, intituled, An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and sixty five, together with those named in two former acts for appointing commissioners of the land tax; and for indemnifying persons who have acted as commissioners of the land tax, by virtue of estates of or above a certain value, though the same were not rated or assessed at the value of one hundred pounds per annum; and for limiting a time within which suits and prosecutions shall be commenced, with respect to the qualifications of persons who shall act as commissioners of the land tax.

C A P. XXII.

An act for the further encouragement of the British white herring fishery.

Preamble, re-
citing clauses
in act 23
Geo. 2.

WHEREAS by virtue of an act of parliament, made in the twenty third year of the reign of his late majesty King George the Second, intituled, An act for the encouragement of the British white herring fishery, his said late Majesty did, by letters patent under the great seal of Great Britain, incorporate sundry persons by the name of The Society of the free British fishery, for the purpose of carrying on and improving the British white herring fisheries: and by the said act the said society were impowered, by a voluntary subscription, to raise the sum of five hundred thousand pounds, to be their capital stock; and as an encouragement to such persons as should become subscribers thereto, the sum of three pounds by the year, for each hundred pounds which should be actually employed in the said fisheries, and proportionably for any greater or lesser sum, was directed to be paid to the proprietors of the said stock, for and during the space of fourteen years from the date of the said charter, by the receiver general of his Majesty's customs, by equal half yearly payments; provided the said society should employ the sum of one hundred thousand pounds at least in the said fisheries, within the space of eighteen months from the date of such subscription: and as a further encouragement to persons to engage in the said white herring fisheries, a bounty of thirty shillings per ton is, by the said act, given and made payable, in manner therein mentioned, to the owner or owners of all decked vessels from twenty to eighty tons burthen, which should be built, after the commencement of the said act, for the use of the said fisheries, whether by the said society or any other person or persons, in manner, and under the regulations, and upon such conditions, as in the said act are mentioned; which bounty was to be paid yearly, during the space of fourteen years from the commencement of the said act, and no longer: and

whereas

whereas by another act, made in the twenty eighth year of the reign of A^ct 18 Geo.² his said late Majesty, the said allowance of three pounds per centum per annum, and also the said bounty of thirty shillings per ton, granted by the said acts, for the respective terms therein mentioned, were continued for the further term of three years, to be computed immediately from and after the expiration of the said respective terms for which the same were granted as aforesaid: and whereas by another act, made in the thirtieth year of the reign of his said late Majesty, intituled, An act for allowing a further bounty on all vessels employed in the white herring fishery, for giving liberty to alter the present form and size of the nets used in the said fishery, and for other purposes therein mentioned, it is enacted, That the said bounty of thirty shillings per ton, by the said two several acts granted and continued for the respective terms of years therein respectively mentioned, should cease, determine, and be at an end; and that in lieu thereof, a bounty of fifty shillings per ton, on all vessels employed in the said fisheries, should be paid and payable for such term and terms of years, to the said society, and such other persons as would have been intituled to the said bounty of thirty shillings per ton, by virtue of or under the said several acts herein before recited, in case the said act had not been made; and that such bounty of fifty shillings per ton should be paid and payable at such times, and in such manner, and by such person and persons, and out of such monies, as the said bounty of thirty shillings per ton is by the said two several acts, or either of them, directed to be paid: and whereas the terms, for which the said allowance and bounty were respectively granted, will expire the twenty second day of October, one thousand seven hundred and sixty seven, and the term of the said charter will not expire until the twenty second day of October, one thousand seven hundred and seventy one: and whereas it is necessary, for the further encouragement of the British white herring fisheries, that the said allowance and bounty should be continued; may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said allowance of three pounds per centum per annum granted by the said several acts, and also the bounty of fifty shillings per ton granted by the said act of the thirtieth year of the reign of his said late Majesty, for the respective terms therein mentioned, shall be continued for the further term of four years, to be computed from and immediately after the expiration of the said respective terms for which the same were respectively granted as aforesaid; and shall be paid and payable, for the said further term of four years, to the said society, and to such other person or persons as are or may be respectively intituled to the said allowance, by virtue of or under the said several acts, in such manner, and by such person and persons, and out of such monies, as the same are now payable, by virtue of or under the said several acts, or any of them.

CAP.

The allowance of 3 l. per cent. per annum, on the capital employed by the society, and the bounty of 50 s. per ton on the vessels employed in the fisheries, granted by the recited acts, continued for the further term of 4 years.

C A P. XXIII.

An act for granting annuities, to be attended with a lottery, to satisfy and discharge certain navy, victualling, and transport bills; and for charging the payment of such annuities on the sinking fund.

Most gracious Sovereign,

Preamble.

WE, your Majesty's most dutiful and loyal subjects the commons of Great Britain, in parliament assembled, have taken into our serious consideration the present state of the debt of your Majesty's navy; and being desirous to make some provision towards satisfaction thereof, have resolved, that all persons interested in, or intitled unto, any bill or bills payable in the course of the navy or victualling offices, or for transports, which were made out on or before the thirtieth day of June, one thousand seven hundred and sixty four, who should, on or before the twenty sixth day of March, one thousand seven hundred and sixty five, carry the same, after having had the interest thereupon computed to the sixth day of April following, and marked upon the said bills at the navy or victualling office respectively, to the office of the treasurer of his Majesty's navy, should have in exchange for the same from such treasurer, or his paymaster or cashier, a certificate to the governor and company of the bank of England, for every intire sum of one or more hundred pounds of which such bill or bills, together with the interest so marked, should consist, until the several intire sums of one or more hundred pounds for which such certificates were to be made forth, should amount; together, to one million five hundred thousand pounds, and also one other certificate for the fractional part of one hundred pounds, being the remainder of such bill or bills; and the persons who should be possessed of such first-mentioned certificates, should, upon delivery thereof to the said governor and company, be intitled, in respect of the same, to certain annuities therein mentioned; but in case the several intire sums, for which certificates were to be so granted, should not amount to the sum of one million five hundred thousand pounds, all persons possessed of such certificates for fractional parts, or of navy, victualling, or transport bills, which were made out on or before the thirtieth day of June, one thousand seven hundred and sixty four, and did not amount, together with the interest thereupon computed to the sixth day of April following, to one hundred pounds, might, on or before the fifth day of April, one thousand seven hundred and sixty five, after having had the interest thereupon marked in such manner as was before-mentioned, bring the same to the office of the treasurer of his Majesty's navy, and should have in exchange for the same from such treasurer, or his paymaster or cashier, a certificate to the said governor and company for the sums contained in such certificates, and for the amount of the principal and interest of which such bills should consist; and upon delivery thereof, and payment of so much money to the said governor and company as should, with the sums so certified, amount to one hundred pounds, should be intitled to the annuities and advantages therein mentioned; and that in case the monies so certified,

together with the sums paid and payable at the bank of England, with the certificates for such fractional parts, and for such of the said bills as, together with the interest thereupon, did not amount to one hundred pounds, should not, on the said fifth day of April, make up the full sum of one million five hundred thousand pounds, the monies which should be so wanting to complete the same, should be raised by contributions, to be received at the bank of in England, in intire sums of one or more hundred pounds, to be paid on or before the eighteenth day of April, one thousand seven hundred and sixty five; and that the contributors should be intitled, for the monies so by them advanced, to such annuities, benefits and advantages, as were to be allowed to the proprietors of the said certificates: we your Majesty's faithful commons do therefore most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords

spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That all persons, and bodies politick or corporate, who have delivered, or shall deliver, to the governor and company of the bank of England, any certificate or certificates for the intire sum of one or more hundred pounds, so made out, on or before the said twenty sixth day of March, one thousand seven hundred and sixty five; or any certificate or certificates, so made out, after the said twenty sixth day of March, one thousand seven hundred and sixty five, and have paid to the said governor and company so much money as, with the sum contained in each of the said last-mentioned certificates, did amount to one hundred pounds; and also all persons, and bodies politick or corporate, who have so paid to the cashier or cashiers of the said governor and company, any sum or sums of money, by way of contribution, to complete the said sum of one million five hundred thousand pounds, shall, for the monies so respectively certified, paid, or contributed, be intitled to, and have in respect of the same, such annuities or advantages as are herein after appointed; that is to say, for two fifth parts of such monies, an annuity after the rate of three pounds *per centum per annum*, redeemable by parliament; for two other fifth parts of such monies, or a proportionable number of tickets of the value of ten pounds each, in a lottery to consist of sixty thousand tickets, and to be drawn in such manner as is herein after directed; the blanks, after the rate of six pounds each, together with the prizes in such lottery, to be attended with the like annuities after the rate of three pounds *per centum per annum*, redeemable by parliament; and for the remaining one fifth part of the said monies, a like annuity after the rate of three pounds *per centum per annum*, redeemable by parliament, with liberty to convert every share of such last-mentioned annuities, in right of one hundred pounds capital stock, into an annuity for life after the same rate, with the benefit of survivorship, in manner herein after authorized; all which said redeemable annuities shall be paid at the bank of England; and shall commence from the fifth day of April, one thousand seven

Persons delivering to the bank certificates for the entire sum of one or more 100 l. made out on or before 16 March, 1765; or certificates for fractional sums made out after that time, and paying therewith so much as will make up the same 100 l.

and persons who have advanced money to complete the sum of 1,500,000 l. are intitled to annuities after the rate of 3 l. per cent. per ann. for two fifth parts of such monies; and to a proportionable number of lottery tickets for the other two fifth parts, with other advantages. Annuities made redeemable, and to commence

from 5 April 1765; and to be paid at the bank half yearly, on 10 Octo. & 5 April. The first payment to be made on 10 Octo.

Such certificates for fractional sums, as shall not be redelivered, &c. to the treasurer of the navy, by 5 April, 1765, are to be paid off;

and such as were granted in part of bills bearing interest, are to carry interest, after 5 April;

and the same are made assignable by indorsement. Treasurer of the navy to give an account to the cashier of the bank, of the certificates delivered out. Annuities made a personal estate,

and not descendable to heirs, &c.

and to be tax free.

Executors and trustees, &c. delivering up

hundred and sixty five, and until redemption thereof by parliament (except as herein after directed, with respect to the said life annuities) be paid and payable to such respective persons, and bodies politick or corporate, his, her, or their executors, administrators, successors, or assigns, half-yearly, at two of the most usual days of payment in the year (that is to say) the tenth day of *October*, and the fifth day of *April*; the first payment thereof to become due on the tenth day of *October*, one thousand seven hundred and sixty five.

II. Provided always, and be it further enacted by the authority aforesaid, That if any of the certificates granted on or before the said twenty sixth day of *March*, one thousand seven hundred and sixty five, for such fractional parts of one hundred pounds, shall not have been redelivered, and subscribed, to the said treasurer of the navy on or before the fifth day of *April*, one thousand seven hundred and sixty five; in every such case, the said certificates shall be paid according to the course of the navy, in such order as the bills, in part of which such certificates shall have been granted, were payable; and such of the said certificates as were granted in part of bills bearing interest, shall, from the said fifth day of *April*, one thousand seven hundred and sixty five, carry interest after such rate as would have been payable in respect of the sums mentioned in the said bills; any thing herein contained to the contrary notwithstanding; and that all the said certificates which shall not have been so redelivered to the treasurer of his Majesty's navy, shall and may be assignable by indorsement thereupon made, until the same shall be paid in the course of the navy as aforesaid; and that none of the said assignments shall be charged with any stamp duties whatsoever.

III. And be it further enacted by the authority aforesaid, That the treasurer of his Majesty's navy shall deliver to the chief cashier or cashiers of the said governor and company, such account or accounts of the certificates so delivered out, as the said cashier or cashiers shall think necessary for his or their information.

IV. And be it further enacted by the authority aforesaid, That all persons and corporations intitled to any of the said redeemable annuities, and their executors, administrators, successors, and assigns respectively, and all persons and corporations lawfully claiming under them, shall have good, sure, absolute, and indefeazible estates and interests in the same, according to the tenor and true meaning of this act; and shall be possessed thereof as of a personal estate, which shall not be descendable to heirs, nor liable to any foreign attachment by the custom of *London*, or otherwise; any law, custom, or usage to the contrary notwithstanding; and that none of the certificates granted in manner herein mentioned, or of the annuities hereby established, shall be subject to any taxes, charges, or impositions whatsoever.

V. And be it further enacted by the authority aforesaid, That every person who was possessed of any of the said bills as executor,

executor, administrator, or trustee, or as guardian of any infant bills to the or infants, or as committee of any idiot, lunatick, or person of treasurer of unsound mind, or as depositary or mortgagee, and hath delivered the navy, are up such bill or bills to the said treasurer of the navy as afore- indemnified said, shall be and is hereby indemnified for so doing; and shall, for so doing; in respect of such bill or bills, be intitled to the annuities and and are intitled to the advantages hereby provided; but in case of executors or administrators, the annuities which they shall be so intitled to shall annuities and advantages provided by the act. be affets in their hands, in like manner as such bill or bills were The annuities to be or would have been if not so delivered up; and in case of guar- deemed af- dians, trustees, committees, depositaries or mortgagees, the an- fets in the nnuities to which they shall be so intitled shall be subject and li- hands of ex- able to the same trusts and equity of redemption respectively, as cutors; as such bills were or would have been if not so delivered up. same trusts,

VI. And be it further enacted by the authority aforesaid, and in trustees hands, to be subject to the That the said governor and company of the bank of *England*, Credit to be given in and their successors, or such person or persons as they shall ap- books at the point for that purpose, shall, and he and they is and are hereby bank for the respectively authorized and required, to give credit, in a book or sums in the books to be prepared for that purpose, for the sum contained in certificates, every such certificate brought or to be brought to him or them, and for the sums so paid and contributed as aforesaid; and the the sums paid in; which may be assigned. respective persons, bodies politick or corporate, to whose credit such sums shall be entered in the said book or books, his, her, or their executors, administrators, successors, or assigns, shall and may have power to assign and transfer all or any part of his, her, or their share or proportion thereof, which shall be then attend- Duplicate of the said books to be trans- ed with the said redeemable annuities, to any other person or mitted to the persons, bodies politick or corporate whatsoever, in the books receipt of the of the bank of *England*; and the said governor and company for exchequer by the time being shall also, on or before the twenty fourth day of 24 June, 1767. *June*, one thousand seven hundred and sixty seven, transmit an attested duplicate fairly written on paper, of the said book or books first herein before mentioned, into the office of the auditor of the receipt of his Majesty's exchequer, there to remain for ever.

VII. And be it further enacted by the authority aforesaid, That the said annuities payable at the bank of *England* shall, Annuities charged on the sinking fund. from the commencement thereof, be charged and chargeable upon, and payable out of, the monies which shall, from time to time, arise and be in the receipt of his Majesty's exchequer, or for the surplusses, excesses, or overplus monies, commonly called *The Sinking Fund*, after paying, or reserving sufficient to pay, all such sums of money as have been directed by any former act or acts of parliament to be paid out of the same.

VIII. And be it further enacted, That all the monies paid or Monies con- contributed as aforesaid at the bank of *England*, shall, by or on tributed at the behalf of the said governor and company, be from time to the bank to time paid into the receipt of the exchequer, within the space of be paid into seven days after notice in writing shall, on the behalf of the the exche- commissioners of the treasury, or any three or more of them, or quer within 7 days after the notice given,

and to be applied by the treasury towards discharging bills payable in the course of the navy or victualling offices, made out on or before 30 June, 1764.

the high treasurer for the time being, be delivered to the cashier or cashiers of the said governor and company for that purpose, and shall be accounted for in the exchequer, according to the due course thereof; and that all the monies so paid into the said receipt, shall and may be issued and applied by any three or more of the commissioners of the treasury, or the high treasurer for the time being, towards discharging bills payable in the course of the navy or victualling offices, or for transports, which were made out on or before the said thirtieth day of *June*, one thousand seven hundred and sixty four; and for the more easy and sure payment of the said annuities hereby directed to be paid at the bank of *England*.

Bank to employ a chief clerk and accountant general.

Monies to be issued out of the sinking fund, from time to time to the said clerk for payment of the annuities;

who is to apply the same accordingly, and render an account thereof.

Cashier to give security

Accountant general to inspect the receipts and

IX. And, for the more effectual execution of this act, be it further enacted by the authority aforesaid, That the said governor and company of the bank of *England*, and their successors, shall, from time to time, until the said annuities shall be redeemed according to this act, appoint or employ one or more sufficient person or persons within their office in the city of *London* to be their chief or first cashier or cashiers, and one other sufficient person within the same office to be their accountant general; and that so much of the monies, from time to time, and at any time, arising or being in the receipt of the exchequer of or for the surplusses, excesses, or overplus monies, commonly called *The Sinking Fund*, as shall be sufficient, from time to time, to answer the half-yearly payments of the said annuities, shall (after paying, or reserving sufficient to pay, all such sums of money as, before the passing of this act, shall have been directed by any other act or acts of parliament to be paid out of the said fund) by order of the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, without any further or other warrant to be sued for, had, or obtained, in that behalf, be issued and paid at the said receipt of exchequer to the said first or chief cashier or cashiers of the said governor and company of the bank of *England* and their successors for the time being, by way of imprest and upon account, for the payment of the said annuities; and that such cashier or cashiers to whom the said monies shall, from time to time, be issued, shall from time to time, without delay, apply and pay the same accordingly, and render his or their accounts thereof according to the due course of the exchequer.

X. Provided always, and be it further enacted by the authority aforesaid, That such cashier or cashiers shall give security to the good liking of any three or more of the commissioners of the treasury, or the high treasurer, for the time being, for duly answering and paying into the receipt of his Majesty's exchequer all monies which he or they hath or have received, or shall receive, in such manner as herein before mentioned, and for accounting duly for the same, and for performance of the trust reposed in him or them by this act.

XI. And it is hereby also enacted, That the said accountant general for the time being shall, from time to time, inspect and examine all receipts and payments of the said cashier or cashiers, and

and the vouchers relating thereunto, in order to prevent any fraud, negligence, or delay.

XII. And be it further enacted by the authority aforesaid, That all the monies to which any person or persons shall be intitled by virtue of this act, in respect of the first mentioned two fifth parts of the said one million five hundred thousand pounds, on which the said redeemable annuities, after the rate of three pounds *per centum per annum*, shall be attending, shall, from the fifth day of *April*, one thousand seven hundred and sixty five, be added to and made part of the joint stock of annuities transferrable at the bank of *England*, into which the several sums, reduced from four pounds to three pounds *per centum per annum*, were converted by two acts of parliament, made in the twenty fifth and twenty sixth years of his late Majesty's reign; subject, nevertheless, to redemption by parliament, in such manner and upon such notice as in the said act of the twenty fifth year of his said late Majesty's reign is directed, in respect of the several and respective sums, or any part thereof, for which the several and respective annuities therein mentioned, or any of them, are payable; and that all the monies to which any person or persons shall be intitled by virtue of this act, in respect of other two fifth parts of the said one million five hundred thousand pounds, to be determined by the drawing of the said lottery, on which the like redeemable annuities shall be attending, together with so much of the remaining one fifth part of the said one million five hundred thousand pounds, on which the like redeemable annuities shall be attending, as shall not be exchanged for annuities on lives with the benefit of survivorship, in manner authorized by this act, shall also be added to and made a part of such joint stock, from the fifth day of *April*, one thousand seven hundred and sixty six, and shall be subject to redemption in manner aforesaid; and that all and every person and persons, and corporations whatsoever, in proportion to the money to which he, she, or they, shall be intitled as aforesaid, shall have and be deemed to have a proportional interest and share in the said joint stock of annuities.

payments, with the vouchers. Annuities, in respect of the first mentioned two fifth parts of the 1,500,000 l.

to be consolidated with the reduced annuities, of 25 & 26 Geo. 2.

Annuities depending on the lottery,

with those that shall not be exchanged for annuities on lives, to be made a joint stock.

XIII. And be it further enacted by the authority aforesaid, That books shall be constantly kept by the said accountant general for the time being, wherein all assignments or transfers of any part or parts of the said annuities, payable at the bank of *England*, and of the principal sum in respect whereof they were established, shall be entered and registered; which entries shall be conceived in proper words for that purpose, and shall be signed by the parties making such assignments or transfers; or if any such party or parties be absent, by his, her, or their attorneys, hereunto lawfully authorized by writing under his, her, or their hands and seals, to be attested by two or more credible witnesses; and that the person or persons, to whom such transfer shall be made, shall respectively underwrite his, her, or their acceptance thereof; and that no other method of assigning or transferring any part of the said annuities or principal sum shall be

Books to be kept at the accountant general's office for entering assignments and transfers.

Persons accepting such transfers to underwrite their acceptance.

be good and available in law, and that no stamp duties whatsoever shall be charged on the said transfers, or any of them.

Annuities may be devised by will, but no payment to be made till entry is made of such devise, &c.

XIV. Provided always, That all persons possessed of any share or interest in the said annuities, payable at the bank of *England*, or any estate on interest therein, may devise the same by will; but that no payment shall be made upon any such devise, until so much of the said will as relates to such estate, share, or interest, be entered in the said office; and that in default of such transfer or devise, such share, estate, or interest, shall go to the executors, administrators, or successors.

Bank to incur no disability for what they shall do under this act.

XV. Provided always, and it is hereby further enacted by the authority aforesaid, That the said governor and company of the bank of *England*, or any member thereof, shall not incur any disability for or by reason of his or their doing of any matter or thing in pursuance of this act.

No fee to be taken for certificates, annuities, or transfers,

XVI. And be it further enacted, That no fee, reward, or gratuity, shall be demanded or taken of any of his Majesty's subjects for receiving the said certificates and monies, or for issuing the monies for payment of the said annuities, or for any transfer to be made in pursuance of this act, or for any other matter or thing hereby required to be transacted or done at the bank of *England*, upon pain that every person so offending shall forfeit the sum of twenty pounds to the party aggrieved, with full costs of suit, to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*; wherein no essoin, protection, privilege, or wager of law, injunction, or order of restraint, or more than one imparlance, shall be granted or allowed.

on penalty of 20 l.

Treasury to reward the person employed in the execution of this act; and to defray incidental charges, out of the sinking fund; with allowances for the chief clerk,

XVII. Provided always, and be it enacted by the authority aforesaid, That the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, shall have power, and he and they is and are hereby authorized to reward all such persons as shall be any ways employed in the execution of this act, for their service, pains, and labour; and also to defray such incidental charges as shall necessarily attend the same, out of the surplusses, excesses, or overplus monies, commonly called *The Sinking Fund*; and also to appoint such allowances as they shall think proper, out of the said surplusses, excesses, or overplus monies, for the service, pains, and labour of the said cashier or cashiers, in the receiving the said certificates and monies, and payment of the said annuities, and for executing the other trusts hereby in him or them reposed; and also for the service, pains, and labour of the said accountant general for performing the trust hereby reposed in him; all which allowances to be made as aforesaid in respect to the service, pains, and labour, of any officer or officers of the said governor and company, shall be for the use and benefit of the said governor and company, and at their disposal only.

and accountant general, at the disposal of governor and company of the bank.

Certificates to be granted at the bank to the proprietors of stock

XVIII. And be it further enacted by the authority aforesaid, That every person and body politick or corporate, who shall become possessed of one hundred pounds or more capital stock in the redeemable annuities herein before granted, in respect of the

one fifth part of the sums certified, paid, and contributed as afore-^{in the redeem-}said, shall, upon application to the said cashier or cashiers, ^{able annuities,} or accomptant general, at any time on or before the fifth day ^{&c.} of *April*, one thousand seven hundred and sixty six, be intitled to receive from such cashier or cashiers, or accomptant, for every intire sum of one hundred pounds, of which such person or body politick or corporate shall be then possessed in such stock a certificate under the hand or hands of such cashier or cashiers, or accomptant, directed to the auditor of the receipt of his Majesty's exchequer; and to be printed or written upon cheque paper, and cut out indentwise through some flourish or device to be contrived by the said cashier or cashiers, or accomptant; which certificate shall contain the names and additions of such respective proprietors; and the said cashier or cashiers, or accomptant, is or are hereby required to grant a distinct certificate for every such one hundred pounds, in manner as afore-^{A distinct}said; which certificates may be assignable by indorsement thereon to be made, and witnessed by two persons, at any time before the first day of *May*, one thousand seven hundred and sixty six; for ^{certificate to} which assignment no stamp duty shall be paid: and in order to ^{be granted for} prevent the auditor of the said receipt from being imposed upon ^{every 100 l.} by any counterfeit or forged certificate, the said cashier or ^{to be assign-}cashiers, or accomptant, shall transmit to the said auditor a counter-^{able by in-}part of the cheques of all the said certificates delivered out by ^{dorsement,} them as afore-^{and witnessed}said; upon which counterparts shall be expressed ^{before 1 May,} the number of the certificate, and the names of the respective ^{1766.} proprietors to whom such certificates shall have been granted. ^{Counterpart}

XIX. And be it further enacted by the authority afore-^{Certificates to}said, That the said respective proprietors, or their executors or ad-^{be delivered}ministrators, shall, on or before the sixth day of *May*, one ^{up at the ex-}thousand seven hundred and sixty six, deliver every such certi-^{chequer by}ficate to the said auditor of the receipt of the exchequer, to be ^{6 May, 1766,}exchanged for orders to be made out in the manner herein after ^{to be exchange-}appointed; and shall also at the same time, by writing on the ^{ed for orders;}back of every such certificate, name, and in manner herein after ^{and the persons}mentioned, describe the person for whose life he, she, or they, ^{for whose}shall desire to have an annuity, with the benefit of survivorship, as ^{lives annu-}is herein after also mentioned; and in case any such certificate ^{ties are desir-}shall not be delivered to the said auditor, and such nominee be ^{ed, are to be}appointed on or before the sixth day of *May*, one thousand seven ^{then named;}hundred and sixty six, then, and in such case, every proprietor ^{otherwise the}of such certificate shall forfeit all right and title to any such life ^{right to such}annuity as afore-^{life annu-}said; but upon redelivery of such certificate to ^{ities are forfeit-}the said cashier or cashiers, or accomptant, shall become intitled ^{but the right}to stock in the said redeemable annuities so consolidated as afore-^{to a share in}said, to the amount of the sum so certified, in such and the same ^{the redeem-}manner as such respective proprietor would have been intitled in ^{able consol-}case such certificate had not been taken out; and the said ca-^{idated annu-}shier or cashiers, or accomptant, is or are hereby required to ^{ities, shall re-}cancel every such certificate upon the redelivery thereof. ^{main,}

XX. And be it further enacted by the authority afore-^{Annuities for}said, That ^{lives to be}

paid at the
exchequer at
the rate of 3 l.
per cent.
with benefit of
survivorship;
to commence
from 5 April,
1766, and to
be paid half
yearly, on 10
Oct. and 5
April.
First payment
to be made on
10 Oct. 1766.
Annuities
payable at the
bank till 5
April, 1766,
&c.

That the said proprietors, who shall deliver to the said auditors such certificates as aforesaid, and appoint their nominees on or before the said sixth day of *May*, one thousand seven hundred and sixty six, shall be intitled to have and receive, during the lives of such nominees respectively, an annuity, payable at the exchequer, at the rate of three pounds for every one hundred pounds, so certified to the said auditor, to be attended with the benefit of survivorship in manner hereafter-mentioned; which said annuities shall commence from the fifth day of *April*, one thousand seven hundred and sixty six, and be payable half yearly, during the lives of the respective nominees, on the tenth day of *October*, and the fifth day of *April*, in every year; the first payment thereof to become due on the tenth day of *October*, one thousand seven hundred and sixty six; and the annuities payable at the bank of *England*, in respect of the monies so converted into life annuities, shall be paid there to the said fifth day of *April*, one thousand seven hundred and sixty six; and all right and title to the same, and the principal sum in respect whereof such annuity shall have been payable, shall from thenceforth cease and determine.

A distinct or-
der to be made
out at the ex-
chequer for a
life annuity
for every 100 l.
certified.

XX. And be it further enacted by the authority aforesaid, That the auditor of the said receipt of exchequer shall, as soon as conveniently may be after such certificate or certificates shall be delivered to him, cause a separate and distinct order to be made out in the exchequer for the payment of a life annuity for every one hundred pounds so certified; which orders shall be made out upon vellum or parchment, and shall contain the names, surnames, additions, and places of abode, of the respective proprietors or their assigns, and of their nominees, and the reputed ages and parents of such nominees, with other descriptions which shall best ascertain the person of such nominees, and also the annuity payable during the lives of such respective, nominees; and all such orders shall be signed by the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being; and, after signing thereof, the same shall be firm, good, valid, and effectual, in law, according to the purpose and true meaning thereof, and of this act; and shall not be determinable by or upon the deaths or removals of any commissioner or commissioners of the treasury, or high treasurer, nor shall they or any of them have power to revoke, countermand, or make void, such orders so signed as aforesaid.

Orders to be
numbered
arithmetical-
ly, and the no-
minees to be
formed into
classes, of
1,500 l. each.

XXI. And be it further enacted by the authority aforesaid, That the said orders shall be numbered in arithmetical progression, according to the course in which the said certificates shall be delivered to the said auditor; and the nominees, and the annuities payable upon their lives, shall be formed by the said auditor into classes, each class to consist of annuities to the amount of one thousand five hundred pounds at least, in manner following; that is to say, The annuities made payable in respect of the first five hundred orders shall form the first class; the an-
nuities

nuities made payable in respect of the succeeding five hundred orders shall form the second class; and so in like method the annuities made payable by the remaining orders, shall, according to the numerical course of such orders, be formed into other classes, which shall be numbered in succession, until the several annuities, which shall make up several and distinct sums of one thousand five hundred pounds, shall be so classed and ranked; and if, over and above the said several and distinct sums of one thousand five hundred pounds, any annuities shall remain which shall not amount in the whole to one thousand five hundred pounds, such remaining annuities shall be distributed amongst, and added to, the several classes, in equal proportions as near as may be, so that the proportion of such annuities to be added to the first class, shall be according to the numerical course of the orders immediately succeeding the orders provided for in the last of the said classes, and so in like succession with respect to the proportions to be added to the second and other subsequent classes; and if any annuity or annuities shall remain which cannot be equally apportioned amongst all the said classes, in such case, if there shall be only an annuity payable in respect of one order, such annuity shall be added to the first class; or if there shall be more annuities than one, then such annuities shall, according to the numerical course of the orders for payment thereof, be added in equal proportions to such of the said classes as such proportions can extend to, beginning with the class number one, and proceeding to the next succeeding classes, until all the said annuities shall be ranked and classed.

Supernumerary fractional annuities to be distributed amongst the other classes.

XXII. Provided nevertheless, and be it further enacted by the authority aforesaid, That if any of the said proprietors, upon their delivering in to the said auditor any two or more of the said certificates, whereby one and the same nominee shall be appointed, shall signify their desire that the annuities to be paid in respect thereof may be placed in different classes, then, and in each and every such case, the said auditor may postpone the making out any order or orders upon the said certificates, until the same may be numbered in such manner as to be ranked, as far as may be, in different classes, according to the desire of the said proprietors,

Where the same person shall be a nominee in two or more certificates, the auditor, upon request, may postpone the making out orders till the annuities can be placed in different classes, according to desire.

XXIII. And be it further enacted by the authority aforesaid, That, from time to time, upon the death of each and every nominee in each respective class, the annuity or annuities which shall have been payable in such class, during the life of such nominee, shall be equally divided among the rest of the proprietors of the annuities in the same class, during the lives of their respective nominees; and when there shall be only one surviving nominee in any such class, the person or persons intitled to an annuity or annuities therein upon the life of such survivor, shall, during such life, have and receive the whole of the annuities contained in every such class respectively; and, from time to time, upon the decease of such survivor, the annuities payable in such respective class shall cease and determine; and

Upon the death of every nominee, the annuities to be divided among the survivors in the same class, till the whole be determined.

Life annuities not amount-

ing to 3,000 l. to be paid with like benefit of survivorship.

1. in case the life annuities do become payable in respect of the said certificates, shall not amount to the sum of three thousand pounds, then the said annuities shall be payable and paid with the like benefit of survivorship upon the whole of such annuities, in like manner as is before provided and directed with respect to the survivorships in such classes.

Books to be kept at the exchequer and pells for entering the names of the proprietors and their nominees, and their respective classes, &c.

XXIV. And it is hereby further enacted, That in the offices of the auditor of the receipt of the exchequer, and clerk of the pells severally, there shall be provided and kept one or more book or books, in which the names of all such proprietors and their nominees, during whose lives respectively the said annuities shall be payable, shall be fairly entered; and also a book or books, in which the several classes, and the names of the persons appointed nominees, and the said annuities, and the names of the proprietors of such annuities in each class, shall be also fairly entered; which books it shall be lawful for the respective proprietors, their executors, administrators, or assigns, from time to time to resort to, and to inspect without fee or reward.

Money sufficient for payment of the said annuities to be set apart out of the sinking fund.

XXV. And be it further enacted by the authority aforesaid, That from and out of the monies composing the said fund, commonly called *The Sinking Fund* (after paying, or reserving sufficient to pay, all such sums of money as, before the passing of this act, shall have been directed by any other act or acts of parliament to be paid out of the said fund) there shall and may be separated, set apart, and applied, from time to time, at the receipt of the exchequer, such sums of money as shall be necessary for payment of the said annuities upon lives, in manner as aforesaid.

Orders made assignable during the lives of the respective nominees;

XXVI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any such proprietor, or his or her executors, administrators, or assigns, at any time during the life of his or her nominee or nominees, by proper words of assignment to be indorsed on his, her, or their order or orders, to be witnessed by two persons, to assign or transfer his, her, or their right, title, interest, and benefit, of such order or orders, to any other person or persons; which being notified in the office of the auditor of the said receipt of the exchequer, the officers there shall cause an entry or memorial thereof to be made in the book of registry for such orders, without fee or charge; and after such entry made, such assignment shall intitle such assignee or assignees, his, her, or their executors, administrators, or assigns, to the benefit thereof, and payment thereon; and such assignee or assignees may, in like manner, assign again, and so *toties quoties*; and afterwards it shall not be in the power of such person or persons, who shall make such assignment, to make void, release, or discharge the same, or any monies thereby due, or any part thereof; and for which assignment no stamp duty shall be paid.

such assignments to be entered at the exchequer.

The nominee not appearing personally at the time of

XXVII. And, for preventing all frauds in receiving the said annuities, be it further enacted by the authority aforesaid, That every proprietor, his or her executors, administrators, assigns, or agents,

agents, upon demand of any half-yearly payment of his or her respective shares of the said annuities (unless the nominee appears in person at the said receipt) shall produce a certificate of the life of his, her, or their respective nominee, signed by the minister and churchwardens of the parish where such nominee shall be then living upon the day when the said half-yearly payments shall become due, if such nominee shall be then residing in that part of *Great Britain* called *England*, dominion of *Wales*, or town of *Berwick upon Tweed*; or otherwise, it shall and may be lawful to and for every such proprietor, his or her executors, administrators, or assigns, at his or her election, to make oath of the truth of his or their respective nominee's life upon the day when the said half-yearly payments shall become due, before one or more of the justices of the peace of the respective county, riding, city, town, or place, wherein such person, at the time of making of such oath, shall reside; and in like manner, every such proprietor, his or her executors, administrators, assigns, or agents, whose nominee shall reside in any town or place, being extra-parochial, upon the day when any of the said half-yearly payments shall become due, shall make a like oath before any such justice or justices aforesaid of the life of such nominee on that day (which oaths the said justice or justices of the peace is or are hereby empowered to administer) and such justice or justices shall make a certificate thereof; for which oath and certificate no fee or reward shall be demanded or paid; and the said certificate shall be filed in the office of the auditor of the said receipt of the exchequer.

demanding the half-yearly payment of the annuity, a certificate of his life is to be produced;

or attested upon oath.

Certificate to be filed.

XXVIII. And be it further enacted by the authority aforesaid, That if any person shall be guilty of a false oath, or shall forge any certificate touching the premises, and be thereof lawfully convicted, such person shall incur the pains and penalties inflicted upon persons committing wilful perjury and forgery.

Penalty of making a false oath, or forging a certificate.

XXIX. And be it further enacted by the authority aforesaid, That in case any nominee shall, at the time of such demand, be resident in that part of *Great Britain* called *Scotland*, or in the kingdom of *Ireland*, and any one or more of the barons of the exchequer there for the time being shall certify, that, upon proof to him or them made (which proof he and they is and are hereby authorized and required to take in a summary way) it doth seem probable to him or them, that the said nominee is living (which certificate is to be given on examination made without fee or charge) the said certificate, being filed as aforesaid, shall be a sufficient warrant for making the said half-yearly payment to the respective proprietors, their executors, administrators, or assigns; and in case any such nominee shall, at the time of such demand, be resident in any parts beyond the seas, the respective proprietors of all such orders, or their agents, shall produce certificates of the life of his, her, or their respective nominees under the hand of the *British* minister residing at the place where any such nominee shall be living upon the day when the half-yearly payment shall become due; which certificates shall

Certificates with respect to nominees resident in Scotland or Ireland,

or in parts beyond the seas, by whom to be granted.

shall be given without fee or reward; and in case no *British* minister shall reside at the place where any such nominee shall live, then the said proprietors of such orders or such agents shall produce a certificate of the life of his, her, or their respective nominees under the hand and seal of the chief magistrate of any city, town, or place, where any such nominee shall be then living, upon the day when the said half-yearly payment shall become due as aforesaid: and such proprietors, agent or agents, shall also annex to every such certificate an affidavit to be made before one or more of the barons of the exchequer, that he or they do believe that such certificate is true; which certificate and affidavit being filed as aforesaid, shall be a sufficient warrant for making the said half-yearly payment to the respective proprietors, or their agent or agents: and if any person or persons shall receive one or more half-yearly payment or payments upon his, her, or their annuity or annuities for any time beyond the death of his, her, or their nominee or nominees when the same ought to cease, such person or persons knowing such nominee or nominees, to be dead, shall forfeit treble the value of the monies so by him, her, or them received, and also the sum of five hundred pounds; whereof one moiety shall go to his Majesty, his heirs and successors, and the other moiety to him or them who will sue for the same, by action of debt, bill, suit, or information; in which no essoin, protection, privilege, wager of law, injunction, or more than one imparlance, shall be allowed.

Persons knowingly receiving annuities beyond the deaths of their nominees, forfeit treble the sum received, and 500*l*. One moiety to the King, and the other to the professor.

Deaths of nominees to be certified within one month, to the exchequer, and the order for the annuity to be delivered up within three months after; on penalty of 10*l*. to go to the professor.

Annuities made tax free, and to be deemed a personal estate, &c.

Such half year's payment as is neglected to be demanded until within 20 days be-

XXX. And be it further enacted by the authority aforesaid, That every proprietor, his or her executors, administrators, or assigns, within one month next after notice of the death of his, her, or their respective nominee or nominees, shall certify such death to the auditor of the said receipt of exchequer for the time being; and shall also, within three months after such notice, deliver or cause to be delivered up to the said auditor, his, her, or their order or orders, by which he, she, or they, was and were intitled, during the life of such nominee, to any share of the said annuities, in case such order or orders be in his, her, or their hands or power; and in default thereof, such proprietor, his or their executors, administrators, and assigns, shall forfeit the sum of ten pounds, to be recovered by action of debt as aforesaid, and to be had and received for the use of any person who shall sue for the same.

XXXI. And be it further enacted by the authority aforesaid, That the said annuities shall be free from all taxes, charges, and impositions whatsoever, and shall be deemed a personal estate; and in all cases, where the same do not depend on the proprietor's own life, shall go to his executors and administrators, and not be descendable to heirs.

XXXII. And be it further enacted by the authority aforesaid, That if any proprietor of any such life annuity, who shall be intitled to receive any half-yearly payment thereof, shall at any time neglect to demand the same, until within twenty days before the expiration of one year from the time when such payment shall have become due, he shall forfeit such half-yearly

ly payment so neglected to be demanded; and the same shall be divided amongst the proprietors of annuities in the same class, as if the nominee for the annuity, in respect whereof such default shall be made, had been dead, and so, from time to time, upon every default.

fore the expiration of the year, is forfeited for the benefit of the other annuitants in the same class.

tants in the

XXXIII. Provided nevertheless, That if such proprietor shall afterwards make a demand in due time, in manner as aforesaid, for any following half-yearly payment, such proprietor shall, for the future, have his share of the said annuities, as if such default had not been made.

Proprietor entitled to the following half year's dividend, duly demanding the same.

XXXIV. And, to the intent it may appear and be ascertained upon every half-yearly payment, unto and amongst what persons, and in what proportions, the said annuities are to be distributed; be it enacted, That in the said office of auditor of the receipt, every half-year, within twenty days before the respective days of payment, there shall be made up an account of the said nominees whose deaths are come to knowledge, and of the several proprietors who have made default in making demand as aforesaid, that so the rest of the proprietors may have the advantage thereof.

Account to be made up half-yearly of the deaths of nominees; and the defaults of those not demanding their dividends.

XXXV. And whereas it may so happen that, in process of time, several of the standing orders may be lost, burnt, or destroyed, or may become defaced, obliterated, or incumbered with many assignments thereon, and it may be necessary that new orders should be made forth in lieu thereof; be it therefore enacted by the authority aforesaid, That in all or any the said cases, any three or more of the commissioners of the treasury, or the high treasurer for the time being, shall, and he or they is or are hereby impowered, from time to time, upon certificate under the hand of the lord chief baron, or any other of the barons of the coif of his Majesty's court of exchequer, that he or they is or are satisfied, by proof upon oath before him or them made, that any such order or orders have been lost, burnt, or otherwise destroyed, to cause new orders to be made forth at the exchequer, to be signed by him or them, in lieu of such orders so certified to be lost, burnt, or destroyed; and the respective officers in the said exchequer are hereby directed to pay the interest, which shall, from time to time, become due on such new orders, as if the original order or orders had been produced; and all such payments shall be allowed in their respective accounts; provided that the person or persons, intitled to receive the interest due upon any such order or orders, do give security to the King, to the good liking of the person appointed to pay the same, for paying into the exchequer, for the use of the publick, so much money as shall be paid thereupon, if the order or orders, so certified to be lost, burnt, or otherwise destroyed, be thereafter produced; and the said commissioners of the treasury, or the high treasurer for the time being, shall also have power to cause new standing orders to be made forth for

New orders to be granted, in lieu of such as shall be certified to be lost, burnt, or destroyed;

and the interest to be duly paid thereon;

the party giving security.

New standing orders may be made out in lieu of such as shall be defaced.

Old orders to
be cancelled;

and an entry
made on the
new orders,
denoting their
being in lieu
of those can-
celled.

Penalty of
forging any
certificate,

order,

assignment,

receipt,

letter of at-
torney, &c.

or proprietors
names,

or of perfo-
nating a pro-
prietor,
or falsly re-
ceiving or en-
deavouring to
receive his
money,
is felony,
without bene-
fit of clergy.

Officer taking
any fee for
payment of
the annuities,
or entry of as-
signments, &c.

to forfeit 20l.

and misapply-
ing any of the

and in lieu of such orders as shall become defaced, obliterated, or otherwise incumbered as aforesaid; which said order or orders shall be at the same time delivered up and cancelled, and the new order or orders, to be made out in lieu thereof, shall be made payable, and delivered to the person or persons who shall appear to be the proprietor or proprietors of the said order or orders, so to be delivered up and cancelled, at the time of such delivery as aforesaid; and the auditor of the receipt as aforesaid shall always take care, that such entries or memorandums be made upon the said new orders, as may denote their being made in lieu of such defaced, obliterated, incumbered, or otherwise defective orders, cancelled, and as may secure the publick against any double payments, for or by reason of the making out or issuing such new orders in manner aforesaid.

XXXVI. And be it enacted by the authority aforesaid, That if any person or persons whatsoever shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly or wilfully act and assist in the forging or counterfeiting any certificate or certificates, given by such cashier or cashiers, or any order or orders to be made forth in lieu thereof, in pursuance of this present act, or any assignment or assignments of such order or orders, or of the annuities payable thereon, or of any receipt or discharge to the exchequer for the annuities due or to grow due on any such order or orders, or of any letter of attorney, or other authority or instrument, to transfer, assign, alien, or convey any such order or orders, or to receive the annuities due or to grow due thereon, or any part thereof; or shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly or wilfully act or assist in the forging or counterfeiting the name or names of any of the proprietors of any such order or orders, in or to any such pretended assignment or assignments, receipt, letter of attorney, certificate, instrument, or authority; or shall falsely and deceitfully personate any true and real proprietor or proprietors of any of the said orders, and thereby assign, or endeavour to assign, any of the said orders; or receive, or endeavour to receive, the money of such true and lawful proprietor, as if such offender were the true and lawful owner thereof; then, and in every such case, all and every such person and persons, being thereof lawfully convicted in due form of law, shall be adjudged guilty of felony, and shall suffer death as in cases of felony, without benefit of clergy.

XXXVII. And be it further enacted, That no fee, reward, or gratuity whatsoever, shall be demanded or taken by any officer of the exchequer for paying the said life annuities, or any of them; or for the entry of any assignment thereof, to be made in pursuance of this act, or for any thing hereby directed to be done at the exchequer, upon pain that any person offending by taking or demanding any such fee, reward, or gratuity, shall, for every such offence, forfeit the sum of twenty pounds to the party aggrieved, with full costs of suit; and in case the officers of the exchequer shall misapply or divert any of the mo-
nies

nies to be paid into the exchequer upon this act, or shall pay or issue out of the same, otherwise than according to the intent of this act, or shall not keep such books, registers, or make entries, and do and perform all other things which by this act they are directed and required to do and perform, every such offender shall forfeit his place, and be for ever after incapable of any office or place of trust whatsoever; and if the proprietor of any such annuity shall any ways suffer thereby, he shall be intitled to treble damages against such officer or officers, with full costs of suit, to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege, or wager of law, injunction, or order of restraint, or any more than one imparlance, shall be granted or allowed.

XXXVIII. Provided always, and be it enacted, That in case any officer of the exchequer shall make payment of any share or shares of the said annuities upon lives upon any such certificate or certificates as aforesaid, such officer shall not incur any penalty, forfeiture, or disability, though the said certificate be forged or false, or the said nominee be dead, unless the said officer did know, at the time of such payment, that the said nominee was dead, or that the said certificate was forged or false.

XXXIX. And, for establishing a proper method for drawing the said lottery, be it further enacted by the authority aforesaid, That such persons as the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall nominate or appoint, shall be managers and directors for preparing and delivering out tickets, and to oversee the drawing of lots, and to order, do, and perform, such other matters and things as are hereafter in and by this act directed and appointed by such managers and directors to be done and performed; and that such managers or directors shall meet together, from time to time, at some publick office or place, for the execution of the powers and trusts in them reposed by this act; and that the said managers and directors, or so many of them as shall be present at any such meeting, or the major part of them, shall cause books to be prepared, in which every leaf shall be divided or distinguished into three columns; and upon the innermost of the said three columns there shall be printed sixty thousand tickets, to be numbered one, two, three, and so onwards in an arithmetical progression, where the common excess is to be one, until they rise to and for the number of sixty thousand; and upon the middle column in every of the said books shall be printed sixty thousand tickets of the same breadth and form, and numbered in like manner; and in the extreme column of the said books there shall be printed a third rank or series of tickets, of the same number with those of the other two columns; which tickets shall severally be of an oblong figure, and in the said books shall be joined with oblique lines, flourishes, or devices, in such manner as the said managers and directors, or the major part of them, shall think most safe and

monies, or otherwise not doing his duty, to forfeit his place, and be incapacitated. Proprietor suffering thereby intitled to treble damages, and full costs.

Officer not to incur any penalty or disability for payment of annuities upon a false certificate, not knowing the same to be false.

Managers and directors of the lottery to be appointed by the treasury.

Method of the lottery books.

convenient; and that every ticket in the third or extreme column of the said books shall have written or printed thereupon (besides the number of such ticket) words to this effect:

LOTTERY, Anno *one thousand seven hundred and sixty five.*

THIS ticket will intitle the bearer thereof to six pounds, or to a better chance, in annuities, at the rate of three pounds per centum, established by an act of parliament made in the fifth year of his Majesty's reign, and transferrable at the bank of England.

Managers to examine the books with the tickets, and deliver them after to the cashiers of the bank, taking a receipt for the same.

XL. And it is hereby enacted, That the said managers and directors, or so many of them as shall be present at such meeting, or the major part of them then present, shall carefully examine all the said books, with the tickets therein, and take care that the same be contrived, numbered, and made, according to the true intent and meaning of this act; and shall deliver, or cause to be delivered, the same books, and every or any of them, as they shall be examined, to the cashier or cashiers of the governor and company of the bank of England, taking from such cashier or cashiers an acknowledgement in writing, under his or their hand or hands, importing his or their receipt of such book or books and so many tickets therein as shall be delivered to him or them respectively; and all and every such cashier or cashiers respectively is and are hereby directed and required, from time to time, to cut out of the said book or books so to be put into his or their custody, through the said oblique lines, flourishes, or devices, indentwise, in the said extreme columns, such tickets as shall be necessary to be delivered to the several persons intituled thereto as aforesaid; which tickets the said cashier or cashiers shall sign with his or their own name or names; and he or they shall permit the respective person or persons so intituled, if it be desired, to write his or her name or mark on the corresponding ticket in the same book; and at the same time the said cashier or cashiers shall deliver to such person or persons the ticket so cut off, which he, she, or they, are to keep and use for the better ascertaining and securing the interest which he, she, or they, his, her, or their executors, administrators, successors, or assigns, shall or may have in the said annuities.

Cashiers to return the books with the remainder of the tickets.

XLI. And be it further enacted by the authority aforesaid, That the said cashier or cashiers, on or before the twenty sixth day of *August*, one thousand seven hundred and sixty five, shall re-deliver to the said managers and directors, at their said office or place of meeting, all the said books, and therein all the tickets which the said cashier or shall not have cut out of the same.

Tickets of the middle columns to be rolled up, and fastened with silk;

XLII. And be it further enacted, That the said managers and directors, or the major part of them, which shall be present at a meeting as aforesaid, shall cause all the tickets of the middle columns in the books made out with three columns as aforesaid, which shall be delivered back to them, by or from the said cashier or cashiers as aforesaid, to be carefully rolled up and made fast with thread or silk; and the said

managers

managers or directors, or the major part of them as aforesaid, shall, in their presence, and in the presence of such contributors or adventurers as will be there, cause all the said tickets, which are to be so rolled up and made fast as aforesaid, to be cut off indentwise through the said oblique lines, flourishes, or devices, into a box to be prepared for that purpose; and to be marked with the letter (A) which is presently to be put up into another strong box, and to be locked with seven different locks and keys; to be kept by as many of the said managers, and sealed with their seals, or the seals of some of them, until the said tickets are to be drawn, as is herein after mentioned; and that the tickets in the first or innermost columns of the said books, shall remain still in the books for discovering any mistake or fraud (if any such should happen to be committed) contrary to the true meaning of this act.

and cut off
indentwise
into a box
marked with
the letter (A)

Box to be
locked up and
sealed.

XLIII. And be it further enacted by the authority aforesaid, That the said managers and directors, or the major part of them, which shall be present at any meeting as aforesaid, shall also prepare, or cause to be prepared, other books in which every leaf shall be divided or distinguished into two columns; and upon the innermost of those two columns there shall be printed sixty thousand tickets, and upon the outermost of the said two columns there shall be printed sixty thousand tickets, all which shall be of equal length and breadth, as near as may be; which two columns in the said books shall be joined with some flourish or device, through which the outermost tickets may be cut off indentwise: and that eleven thousand nine hundred and forty five tickets, part of those to be contained in the outermost columns of the books last-mentioned, shall be, and be called the fortunate tickets, to which extraordinary benefits shall belong, as is herein after mentioned; and the said managers and directors, or the major part of them, or such of them as shall be present at a meeting as aforesaid, shall cause the said fortunate tickets to be written upon, or otherwise expressed, as well in figures as in words at length, in manner following; that is to say, upon two of them severally ten thousand pounds principal money; upon two of them severally five thousand pounds principal money; upon every one of four of them severally, two thousand pounds principal money; upon every one of ten of them severally, one thousand pounds principal money; upon every one of twenty of them severally, five hundred pounds principal money; upon every one of one hundred of them severally, one hundred pounds principal money; upon every one of two hundred and one of them severally, fifty pounds principal money; upon every one of eleven thousand six hundred and six of them severally, twenty pounds principal money: which principal sums, so to be written, or otherwise expressed upon the said fortunate tickets, together with five hundred pounds principal money, to be allowed to the owner of the first drawn ticket, and one thousand pounds principal money to the owner of the last drawn ticket, over and above the benefits

Books to be
prepared with
a columns, on
each of which
60,000 tickets
to be printed.

The number
and value of
the fortunate
tickets.

sool. to the
first drawn
ticket, and
1000l. to the
last drawn.

which may happen to belong to the two last mentioned tickets, and, together with the sum of six pounds to be paid or allowed for and upon each blank or unfortunate ticket of the said lottery, will amount in the whole to the principal sum of six hundred thousand pounds, to be converted into annuities by virtue

Tickets of the outermost columns of the last mentioned book to be rolled up and tied, of this act in respect of the said lottery; and the said managers and directors, or the major part of them, who shall be present at a meeting as aforesaid, shall cause all the said tickets, contained in the outermost columns of the said last-mentioned books, to be, in the presence of the said managers and directors, or the major part of them, which shall be present at a meeting as aforesaid, and in the presence of such contributors or adventurers

and cut out indentwise, into a box marked with the letter (B) Box to be locked up and sealed.

as will then be there, to be carefully rolled up and fastened with thread or silk, and carefully cut out indentwise through the said flourish or device, into another box, to be prepared for this purpose, and to be marked with the letter (B), which box shall be put into another strong box, and locked up with seven different locks and keys, to be kept by as many of the said managers, and sealed up with their seals, or the seals of some of them, until these tickets shall also be drawn in the manner and form herein after mentioned; and that the whole business of rolling up, and cutting off, and putting into the said boxes the said tickets, and locking up and sealing the said boxes, shall be performed by the said managers and directors, or such of them as aforesaid, before the last six days immediately preceding the day by this act appointed for the drawing the said lottery: and to

Publick notice to be given of times of putting the tickets into the boxes.

the end every person concerned may be well assured that the counterpart of the same number with his or her ticket is put into the box marked with the letter (A) from whence the same may be drawn, and that other matters are done as hereby directed, some publick notification in print shall be given of the precise time or times of putting the said tickets into the said boxes, to the end that such adventurers, as shall be minded to see the same done, may be present at the doing thereof.

Lottery to begin drawing on 18 Nov. 1765.

XLIV. And be it further enacted by the authority aforesaid, That on or before the eighteenth day of *November*, one thousand seven hundred and sixty five, the said managers and directors shall cause the said several boxes, with all the tickets therein, to be brought into the guildhall of the city of *London*, so that the same may be there, and placed on a table provided for that purpose, by nine of the clock in the forenoon of the same day,

Method to be observed in drawing, &c.

and shall then and there severally attend this service, and cause the two boxes containing the said tickets, to be severally taken out of the other two boxes, in which they shall have been locked up; and the tickets or lots in the respective innermost boxes being, in the presence of the said managers and directors, or such of them as shall be then present, and of such adventurers as will be there for the satisfaction of themselves, well shaken and mingled in each box distinctly; some one indifferent and fit person, to be appointed and directed by the said managers, or the major part of them, or such of them as shall be then

present,

present, shall take out and draw one ticket from the box where the said numbered tickets shall be as aforesaid put; and one other indifferent or fit person, to be appointed and directed in like manner, shall take out a ticket or lot from the box where the said eleven thousand nine hundred and forty five fortunate, and forty eight thousand and fifty five blank tickets shall be promiscuously put as aforesaid; and immediately both the tickets so drawn shall be opened, and the number, as well of the fortunate as the blank ticket, shall be named aloud; and if the ticket taken or drawn from the box containing the fortunate and blank lots shall appear to be a blank, then the numbered ticket so drawn with the said blank at the same time drawn, shall both be put upon one file; and if the ticket so drawn or taken from the box containing the fortunate and blank lots shall appear to be one of the fortunate tickets, then the principal sum written upon such fortunate ticket, whatsoever it be, shall be entered by a clerk, which the said managers, or the major part of them as aforesaid, shall employ and oversee for this purpose, into a book to be kept for entering the numbers coming up with the said fortunate tickets, and the principal sums whereunto they shall be intitled respectively, and two of the said managers shall set their names as witnesses to such entries; and the said fortunate and numbered tickets so drawn together, shall be put upon another file; and so the said drawing of the tickets shall continue, by taking one ticket at a time out of each box, and with opening, naming aloud, and filing the same, and by entering the fortunate lots in such method as is before mentioned, until the whole number of eleven thousand nine hundred and forty five fortunate tickets, and one more for the last drawn as aforesaid, shall be completely drawn; and as the same cannot be performed in one day's time, the said managers and directors shall cause the boxes to be locked up and sealed in manner as aforesaid, and adjourn till the next day, and so from day to day, and every day (except *Sundays, Christmas-day, thanksgiving* and fast days) and then open the same, and proceed as above, till the said whole number of eleven thousand nine hundred and forty five fortunate tickets, and one more, shall be completely drawn as aforesaid; and afterwards the said numbered tickets so drawn, with the fortunate tickets drawn against the same, shall be and remain in a strong box locked up as aforesaid, and under the custody of the said managers, until they shall take them out to examine, adjust, and settle the property thereof.

After each day's drawing, the boxes to be locked up and sealed.

XLV. And, to the end the fortunate may know, whether absent or present, to what degree they have been so; be it enacted, That the said managers shall, as soon as conveniently may be, after the said drawing is over, cause to be printed and published the number of the tickets drawn against each fortunate ticket, and the principal sum written on the same; and if any contention or dispute shall arise in the adjusting the property of the said fortunate tickets, the major part of the said managers agreeing therein, shall determine to whom it doth or ought to belong:

Numbers of the fortunate tickets, and the sums, to be printed.

Disputes relating thereto, to be adjusted by the managers.

Penalty of
forging tick-
ets or certi-
ficates.

Felony.

Managers to
be sworn.

The oath.

Cashier, on
receiving the
residue of the
sums sub-
scribed,

to give re-
ceipts for the
same,

and if any person or persons shall forge or counterfeit any ticket or tickets, certificate or certificates, to be made forth by this act, or alter any the number thereof, or utter, vend, barter, or dispose of, or offer to dispose of, any false, altered, forged, or counterfeit ticket or tickets, certificate or certificates, or shall bring any forged or counterfeit ticket or certificate, or any ticket or certificate the number whereof is altered (knowing the same to be such) to the said managers, or any of them, or to the cashier or cashiers, or accountant general of the bank of *England* for the time being, or to any other person or persons whatsoever with a fraudulent intention; then every such person or persons being thereof convicted in due form of law, shall be adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy: and the said managers and directors, or any two or more of them, are hereby authorized, required, and impowered, to cause any person or persons bringing or uttering such forged or counterfeit ticket or tickets, certificate or certificates, as aforesaid, to be apprehended, and to commit him, her, or them, to his Majesty's gaol of *Newgate*, or to the common gaol of the county or place where such person or persons shall be so apprehended, to be proceeded against for the said felony according to law.

XLVI. Provided always, and it is hereby enacted by the authority aforesaid, That every person that shall be appointed as aforesaid to be a manager and director for putting this act in execution, before his acting in such commission, shall take the oath following; that is to say,

I A. B. as a manager and director of the lottery to be drawn in pursuance of an act of parliament made in the fifth year of his Majesty's reign, do swear, That I will faithfully execute the trust reposed in me, and that I will not use any indirect art or means, or permit or direct any person to use any indirect art or means, to obtain a prize or fortunate lot therein, for myself, or any other person whatsoever; and that I will do the utmost of my endeavour to prevent any undue or sinister practice to be done by any person whatsoever; and that I will to the best of my judgement declare to whom any prize, lot, or ticket, of right does belong, according to the true intent and meaning of the said act.

Which said oath shall and may be administered by any two or more of the other managers and directors.

XLVII. Provided always, That it shall and may be lawful to and for the said cashier or cashiers, having giving security as aforesaid, at any time or times, before such cashier or cashiers shall have received any book or books from the said managers, comprehending the said sixty thousand tickets as aforesaid, in three columns as aforesaid, and he or they is or are hereby required to give a note, under his or their hand or hands, for the delivery of tickets to such person or persons as shall be intitled thereto; and shall be obliged thereby, and by this act, to give the

the bearer of every such note such number as shall be therein mentioned of tickets, of the extream column of the three columns book or books aforesaid, as soon as he or they shall be enabled thereunto, by delivery of any such book or books to him or them from the said managers as aforesaid; any thing herein contained to the contrary notwithstanding.

the bearers
intituled to one
lottery ticket
for every 10l.
subscribed.

XLVIII. Provided also, and it is hereby enacted by the authority aforesaid, That out of the monies composing the fund, commonly called *The sinking fund*, it shall and may be lawful to and for any three or more of the commissioners of the treasury, or the high treasurer for the time being, to reward the said managers and directors, and the clerks and officers to be employed by and under them, and any other officers and persons that shall and may be any ways employed in this affair, for their labour and pains, and to discharge such incident expences as shall necessarily attend the execution of this act, in such manner as any three or more of the commissioners of the treasury, or the high treasurer for the time being, shall, from time to time, think fit and reasonable in that behalf; any thing in this act contained to the contrary notwithstanding.

Managers, &c.
to be paid by
the commis-
sioners of the
treasury out
of the lottery
money.

XLIX. And be it further enacted by the authority aforesaid, That no person or persons shall sell the chance or chances of any ticket or tickets in the said lottery, or any share or shares of any ticket or tickets in the said lottery, for a day or part of a day, or for a longer time less than the whole time of drawing the lottery then to come; or shall receive any money whatsoever in consideration of the repayment of any sum or sums of money, in case any ticket or tickets in the said lottery shall prove fortunate; or shall lay any wager relating to the drawing of any ticket or tickets in the said lottery, either as to the time of such ticket or tickets being drawn, or whether such ticket or tickets be drawn fortunate or unfortunate; and all and every person and persons who shall offend in any of the said matters, shall forfeit and pay treble the sum and sums of money which shall have been received by such person and persons, contrary to the true intent and meaning of this act; to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*; in which no essoin, protection, privilege, or wager of law, or more than one imparlance, shall be allowed; one moiety whereof to be for the use of his Majesty, his heirs, or successors, and the other moiety to be paid to the person or persons who shall sue for the same; and every such sale, wager, or contract, and every agreement relating thereto, shall be, and is hereby declared null and void.

Limitation of
sale of
chances, &c.

Penalty.

L. And be it further enacted by the authority aforesaid, That if any person or persons shall keep any office or offices, or shall print or publish any scheme or proposal, for receiving any sum or sums of money in consideration of any interest to be granted for the same, in any ticket or tickets in the said lottery, whereof such person or persons shall not then be actually possessed, or in consideration of any sum or sums of money to be re-

Persons selling
shares in
tickets of
which they are
not possessed,

C A P. XXIV.

An act to oblige agents for prize money to account for such sums of money as remain in their hands unclaimed, the property of any of his Majesty's land forces; and for the application thereof.

Preamble,

Commissioners
for examining
and settling
the accounts
of prize mo-
ney due to
his Majesty's
land forces.

WHEREAS several sums of prize money, the property of his Majesty's land forces, remain unclaimed, in the hands of the several agents, and no provision is made for the distribution of the same; may it please your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the colonels, for the time being, of the regiments which were employed in any service during the late war, where the captures became the property of his Majesty's land forces; the adjutant general of his Majesty's forces for the time being, the right honourable the lord viscount *Barington* in the kingdom of *Ireland*, the honourable colonel *William Howe*, *Peter Burrel* esquire, colonel *John Burgoyne*, and colonel *Isaac Barré*, shall be, and they are hereby declared to be, commissioners for the examining, stating, and settling, all accounts of such prize money due to any of his Majesty's land forces, and so remaining unclaimed in the hands of any agent or agents.

Power given
them to sum-
mon the a-
gents, &c.

II. And, for the better enabling the said commissioners to examine, state, and settle, such accounts, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners, or any three or more of them, by writing under their hands, to summon before them, at such time and place as in and by the said writing shall be expressed, any agent or agents, or other person concerned in the receipt of such prize money as aforesaid; and to order such respective agents to produce, upon oath, all books, accounts, and vouchers, necessary for the information of the said commissioners in the premises: and if any agent, or other person, shall refuse to comply with such summons, or to produce such respective books, accounts, or vouchers, as aforesaid, and to give the commissioners such information, upon oath, as he is able, in the premises; every such agent or such other person shall, for every such offence, forfeit and pay the sum of five hundred pounds; to be recovered and applied in manner herein after-mentioned.

to produce
their books,
accounts, and
vouchers, on
oath;

and to give
information in
the premises;
which they are
to obey, on
penalty of
soul.

Upon settling
the accounts,
the agents
are to pay
over the mo-
ney to the
commissioners,
or their or-
der;

III. And be it further enacted by the authority aforesaid, That when the said accounts of unclaimed prize money shall be adjusted and settled, the said agents, in whose hands the same shall appear to be, shall immediately pay over the said unclaimed prize money into the hands of the said commissioners, or such other person or persons as they, or any three or more of them, shall order and direct; who shall immediately, or as soon thereafter as conveniently may be, pay such part of the prize money

money, so remaining unclaimed in each company, to the respective persons who were captains of the several companies, to whom such prize money shall appertain, at the time of the surrender of the place at which such prize money was acquired; or, in case of the death of such captains, or any of them, then such prize money shall be paid to the widows, or heirs at law, of such captains respectively, whose respective receipts thereof shall be a discharge to the said commissioners for the same; and such captains, captains widows, or heirs at law, shall and are hereby required, upon demand thereof made by the several persons intitled to the respective shares of any prize money in their hands, their heirs, executors, or administrators, to pay over such share of the said prize money to such persons so intitled to the same: and if any dispute shall arise concerning the distribution of the said prize money, such dispute shall be determined by the commissioners, or any three or more of them; whose determination shall be final.

who are to repay the same to the captains of the several companies; or, in case of death, to the widows or heirs at law of such captains; who are to distribute the same among the respective persons intitled thereto. Commissioners to determine disputes arising thereupon; and to discharge out of the prize money the expences attending the execution of this act.

IV. Provided always, and be it further enacted by the authority aforesaid, That the said commissioners shall, and they are hereby impowered, out of any money which shall come to their hands of such unclaimed prize money, in the first place, to satisfy and discharge all such expences as shall arise to any person or persons employed by them in settling the said accounts, and all other reasonable expences attending the execution of this act.

V. And be it further enacted by the authority aforesaid, That all penalties and forfeitures, incurred by this act, may be sued for and recovered in any of his Majesty's courts of record at *Westminster*, wherein no essoin, privilege, protection, or wager of law, nor more than one imparlance shall be allowed; and such penalties and forfeitures, when recovered, shall be applied, one moiety to the use of his Majesty, his heirs and successors, and the other moiety to the person or persons who shall inform or sue for the same.

Recovery of the penalties and forfeitures, and application thereof.

VI. And be it further enacted by the authority aforesaid, That no such claim of any prize money shall be admitted or allowed after the first day of *January*, one thousand seven hundred and sixty seven, or such further day as the said commissioners, or any three or more of them, shall appoint.

No claim of prize money to be admitted after 1 Jan. 1767.

C A P. XXV.

An act to alter certain rates of postage, and to amend, explain, and enlarge several provisions in an act made in the ninth year of the reign of Queen Anne, and in other acts relating to the revenue of the post office.

Most gracious Sovereign,

WHEREAS the security and improvement of correspondence, throughout your Majesty's dominions, is a matter of great concernment, and highly necessary for the preservation and extension of trade and commerce: and whereas by an act made in the ninth year

Preamble.

of

of the reign of her late majesty Queen Anne, several rates are settled for the port and conveyance of letters and packets passing to and from the several parts of the British dominions in Europe and America: and whereas by the increase of trade and commerce since the passing of the said act, and by the vast accession of territory gained by the late treaty of peace, several communications are opened, and new posts have been or may be established to and from the several parts of your Majesty's dominions in America, for which the rates of postage cannot, under the present law, be properly ascertained: and whereas the present rates of postage may in some parts be reduced, and the revenue nevertheless may hereafter be improved, by means of a more extensive circulation: we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That so much of the said act made in the ninth year of the reign of her said late majesty Queen Anne, intituled, *An act for establishing a general post office for all her Majesty's dominions, and for settling a weekly sum out of the revenues thereof for the service of the war, and other her Majesty's occasions*, as establishes certain rates or sums for the port or conveyance of letters and packets passing between London and the British dominions in America, and between any places within the said dominions, shall, from and after the tenth day of October, one thousand seven hundred and sixty five, be, and is hereby, repealed.

Repeal of so much of the act of 9 Annæ, as establishes the rates of postage of letters between London and the British dominions in America, and places within the said dominions:

and from and after 10 Oct. 1765, instead of the rates thereby established, those following are to take place.

II. And, to the end that more easy and equal rates of postage may be settled and established, and the benefit of posts be in time extended to every part of the British dominions in America, be it enacted by the authority aforesaid, That from and after the said tenth day of October, one thousand seven hundred and sixty five, it shall and may be lawful to and for his Majesty's post master general for the time being, and his deputy and deputies by him thereunto sufficiently authorized, to and for the use of his Majesty, his heirs, and successors, to demand, have, receive and take, for the port and conveyance of all and every the letters, packets, and other things, that shall be carried or conveyed to or from London, from or to any of the British dominions in America, and to or from any part of the said dominions, from or to any other part thereof, according to the several and respective rates and sums hereafter mentioned; the same being rated either by the letter, or by the ounce; that is to say,

Rates of postage from London to any port within the British dominions in America, and from any such port to London;

For all letters and packets passing from London to any port within the British dominions in America, and from any such port unto London, for every single letter one shilling; for every double letter two shillings; for every treble letter three shillings; and for every ounce four shillings; and so in proportion for every packet of deeds, writs, or other things.

For

For all letters and packets conveyed by sea from any port in the *British* dominions in *America* to any other port within the said dominions, for every single letter four pence; for every double letter eight pence; for every treble letter one shilling; and for every ounce one shilling and four pence; and so in proportion for every packet of deeds, writs, or other things.

and from any port in the said dominions to any other port therein, by sea.

For the inland conveyance of all letters and packets to or from any chief post office established, or to be established, within the *British* dominions in *America*, from or to any other part of the said dominions, not exceeding sixty *British* miles distant from such chief offices respectively; or from the office where such letters or packets, not passing through any such chief office, may be put in, for every single letter four pence; for every double letter eight pence; for every treble letter one shilling; and for every ounce one shilling and four pence; and, being upwards of sixty such miles, and not exceeding one hundred such miles, for every single letter six pence; for every double letter one shilling; for every treble letter one shilling and six pence; and for every ounce two shillings; and, being upwards of one hundred such miles, and not exceeding two hundred such miles, for every single letter eight pence; for every double letter one shilling and four pence; for every treble letter two shillings; and for every ounce two shillings and eight pence; and for every distance not exceeding one hundred such miles beyond such two hundred miles, and for every such further distance, for every single letter two pence; for every double letter four pence; for every treble letter six pence; and for every ounce eight pence; and so in proportion, according to the said several and respective rates and distances, for every packet of deeds, writs, or other things.

Rates of inland postage in *America* for any distance not exceeding 60 miles;

for upward of 60 and not exceeding 100 miles;

for upwards of 100 and not exceeding 200 miles;

and for upwards of 200 and not exceeding 300 miles further, &c.

III. And whereas by certain clauses in the said act, made in the ninth year of the reign of her said late majesty Queen *Anne*, it is enacted, That all letters and packets that, by any master of any ship or vessel, or any of his company, or any passengers therein, should or might be brought to any port town, or which should arrive or touch at any port belonging to any port town within any her Majesty's dominions, or any the members thereof, or which should be on board any ship or vessel which should or did touch or stay at any such port town (other than such letters as in the said act are excepted) should, by such master, passenger, or other person or persons, be forthwith delivered unto the deputy or deputies of such post master general for the time being by him appointed for such place or port town, and to be, by such deputy or deputies, sent post unto the said general post office, to be delivered according to the several and respective directions of the same; upon pain of forfeiting the sum of five pounds of *British* money for every several offence against the tenor of the said act: and whereas the said provision, in the said above recited clause, hath been found ineffectual for the purposes intended; be it therefore further enacted by the au-

Recital of clauses in act 9 *Annæ*.

From and after 10 Oct. 1765, no vessel to be admitted to make entry, or break bulk, till the letters on board are delivered to the post office;

except in such cases where they are to be delivered to the superintendent of the quarentine;

to be dispatched by him to the post office. Persons refusing to deliver up such letters, forfeit 20l.

One moiety to the King, the other to the prosecutor;

with full costs.

1 d. extra charged on all ship letters not brought by the packet boats.

authority aforesaid, That from and after the tenth day of October, one thousand seven hundred and sixty five, no ship or vessel shall be permitted to break bulk, or to make any entry in any port in the *British* dominions, until all letters and packets brought by any master of any such ship or vessel, or by any of his company, or any passenger on board the same, to any port in the said dominions where posts are or hereafter may be established, and from whence such letters and packets can or may be dispatched by post, shall be delivered to the deputy or deputies, or agents, of the said post master general for the time being, to be by him or them forwarded, according to their respective directions, in the same course that other letters are sent from such respective ports; except such letters, commissions, and other matter and things, as are excepted in the said act made in the ninth year of the reign of her late majesty Queen Anne; and also, except all such letters and packets as shall or may be brought in any ship or vessel liable to the performance of quarentine; all which letters or packets last-mentioned shall be delivered, by the person or persons having possession thereof, to the person or persons appointed to superintend the quarentine, that all proper precautions may be by him or them taken before the delivery thereof; and when due care has been had therein, the said letters or packets shall be by him or them dispatched, in the usual and accustomed manner, by the post; and all masters, mariners, passengers, and other person or persons, neglecting or refusing to deliver the letters or packets brought by them as aforesaid, shall, for every such neglect or refusal respectively, forfeit the sum of twenty pounds; to be sued for and recovered by action of debt, bill, plaint, or information, in any court of record within the kingdom, colony, plantation, or place, where the offence shall be committed; and no essoin, privilege, protection, or wager of law, shall be admitted; one moiety of the said penalty to his Majesty, his heirs, and successors, and the other moiety thereof to such person or persons who shall or will inform against such offender or offenders, and sue for the said penalties and forfeitures; and for every recovery such person or persons, so informing and prosecuting for the said penalties and forfeitures, shall recover and have also taxed and paid their full costs of suit; any thing in the said act, made in the ninth year of the reign of her majesty Queen Anne, to the contrary thereof notwithstanding.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said deputy or deputies to demand, have, receive, and take, for every such letter and packet so delivered from any ship or vessel, other than packet boats, to such deputy or deputies at the ports in his Majesty's dominions, as shall be directed to any place within the town belonging to such port, or within the limits of the delivery of letters and packets by such deputy and deputies, the rate or sum of one penny, over and above what may now be received for the same.

V. And

V. And be it further enacted by the authority aforesaid, That from and after the tenth day of *October*, one thousand seven hundred and sixty five, the rates now payable for the postage of letters and packets, sent or conveyed by the general post, not exceeding one post stage in *Great Britain* and *Ireland*, and not exceeding two post stages in that part of *Great Britain* called *England*, do cease and determine; and that from and after the said tenth day of *October*, one thousand seven hundred and sixty five, it shall and may be lawful to and for the said post master general, and his deputy and deputies by him thereunto sufficiently authorized, to and for the use of his Majesty, his heirs and successors, to demand, have, receive, and take, for the port and conveyance of all such letters and packets which he shall convey, carry, or send post, within the kingdom of *Great Britain* and *Ireland*, according to the several rates and sums hereafter-mentioned (the same being rated either by the letter or by the ounce) that is to say,

From and after 10 Oct. 1765, the present rates of postage by the general post, not exceeding 1 post stage in *Great Britain* and *Ireland*, and not exceeding 2 in *England*, are to cease, and the following rates are to take place;

For the port or conveyance of every single letter, so conveyed or carried by the post as aforesaid, not exceeding one whole post stage from the office where such letter may be put in, within the kingdoms aforesaid, the sum of one penny; for every double letter two pence; for every treble letter three pence; and for every ounce four pence; and so in proportion for every packet of deeds, writs, or other things.

viz. Rates for postage not exceeding one post stage;

And for the port and conveyance of every single letter, so conveyed or carried by the post as aforesaid; above one post stage, and not exceeding two post stages, from the office where such letter may be put in, within that part of *Great Britain* called *England*, the sum of two pence; for every double letter four pence; for every treble letter six pence; and for every ounce eight pence; and so in proportion for every packet of deeds, writs, or other things.

above 1 and not exceeding 2 post stages.

VI. Provided always, and be it further enacted by the authority aforesaid, That nothing herein before contained shall extend, or be construed to extend, to alter, or in any wise to affect, the rates or sums to be paid for letters or packets passing or repassing by the carriage called *The Penny Post*.

But these regulations are not to extend to *The penny post*.

VII. And whereas, for the more ready and extensive conveyance of letters and packets between that part of *Great Britain* called *England*, and *Ireland*, and for the conveniency of trade and commerce between the said kingdoms, it may be convenient and expedient to improve the communication for the conveyance of such letters and packets by the post through *Carlisle*, *Dumfries*, and *Port Patrick*, or some other convenient port in *Scotland*; and through *Donaghadee*, or some other convenient port in *Ireland*; be it further declared and enacted by the authority aforesaid, That it shall and may be lawful to and for the said post master general, and his deputy or deputies by him thereunto sufficiently authorized, to demand, have receive, and take, for the port and conveyance of all letters and packets,

Rates of postage between *England* and *Ireland*, thro' *Carlisle*, *Dumfries*, *Port*

Patrick, and Donaghadee, or other convenient ports.

passing and repassing by the post between *England* and *Ireland*, through *Carlisle*, *Dumfries*, *Port Patrick*, and *Donaghadee*, or other convenient ports in *Scotland* and *Ireland*, the same rates or sums for *English* postage, according to the number of miles or stages such letters and packets are carried by the post in *England*, as also the same rates or sums for *Scotch* postage, according to the number of miles or stages such letters and packets are carried by the post in *Scotland*, and moreover the same rates or sums for packet postage between *Port Patrick* and *Donaghadee*, or other convenient ports in *Scotland* and *Ireland*, as likewise the same rates or sums for *Irish* postage, according to the number of miles or stages such letters are carried by the post in *Ireland*, as are respectively settled, established, and ascertained, by the said act made in the ninth year of the reign of her said late majesty Queen *Anne*, or by this present act.

Repeal of so much of the act 9 Anne, as directs the postage between Port Patrick and Donaghadee to be paid where the letters are delivered.

VIII. And be it further enacted by the authority aforesaid, That so much of the said act, made in the ninth year of the reign of her late majesty Queen *Anne*, as directs, that the rates or sums to be paid for the conveyance of letters, to be sent by packet boats, between *Port Patrick* and *Donaghadee*, shall be paid at the place where such letter or letters are delivered, in order to be sent by such packet boats, shall, from and after the said tenth day of *October*, one thousand seven hundred and sixty five, be, and is hereby, repealed.

To prevent disputes, post roads may be measured ;

IX. And, to the end that all letters or packets may be charged with postage, according to the rated distance they are respectively carried by the post, and for preventing all disputes touching the same, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for such person and persons as the post master general for the time being shall appoint, to measure, or cause to be measured, by the wheel, all the post roads which are now settled and established, or which shall hereafter be settled and established, in any part of the kingdoms of *Great Britain* and *Ireland*, and other the *British* dominions.

and a return to be made thereof upon oath ; and entered in the three chief post offices in *Great Britain* and *Ireland* ; and the chief offices in *America*. Fair surveys to be made out, and deposited in the respective offices here mentioned,

X. Provided always, That such person or persons, who shall be so appointed as aforesaid to measure the said distances, and every of them, shall be sworn to perform the same according to the best of their skill and judgement ; which oath shall and may be administered by any justice of the peace, who is hereby authorized and required to administer the same, and to make certificates thereof in writing, to be entered, without fee or charge, in the three chief post offices in *Great Britain* and *Ireland* ; and the chief post offices established, or to be established, in *America* ; and moreover, that such person or persons so to be appointed by such post master as aforesaid, shall, and they are hereby required to cause fair surveys or books to be made out ; one of each whereof shall be left with his Majesty's post master general in *London*, another of each to be left at the chief post office in *Edinburgh* with the post master general's deputy there, another of each to be left at the chief post office at *Dublin* with the

the post master general's deputy there, and another of each of such surveys or books shall be left at each of the chief post offices established, or to be established, in *America*, with the respective deputies of the post master general there, to remain in the said post offices; each of which said surveys or books shall be signed by the person or persons making the same, who shall and are hereby respectively required to make oath of the truth of such surveys; which oath or oaths shall and may be administered by any justice of the peace, who is hereby authorized and required to administer the same; and a certificate of his or their having sworn to the truth thereof shall be signed by the post master general for the time being, or by his deputy or deputies, in such chief post offices in *Great Britain* and *Ireland*, and in the *British* dominions in *America*; which books and surveys shall determine the distances on all the said post roads: and in case of any suspicion of error or wrong admeasurement, it shall and may be lawful for the said post master general to cause new surveys to be made; and the last surveys which shall be made, and shall be verified and attested as above directed, shall, in all courts of justice, be evidence of the distances on such post roads; and all rates granted by any former act or acts, or by this present act, for the port or conveyance of letters and packets, shall be paid and taken according to such surveys.

signed by the persons making the same, and attested upon oath, and certified by the post master general or his deputies.

On suspicion of error, new surveys may be made out,

according to which postage is to be charged.

XI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the post master general for the time being, and his deputy and deputies by him thereunto sufficiently authorized, to settle and establish an office, to be called *The Penny Post Office*, in any city or town, and the suburbs thereof, and places adjacent, within the kingdoms of *Great Britain* and *Ireland*, and the *British* dominions in *America*, where such post shall, by the post master general, be adjudged necessary and convenient; and to demand, have, receive, and take, the same rates and sums for the postage and conveyance of all letters and packets, conveyed by such penny post, as are or may be taken for the carriage of letters and packets, sent or conveyed by the carriage called *The Penny Post*, established and settled within the cities of *London* and *Westminster*, and borough of *Southwark*, and parts adjacent, according to the extent and meaning of the said act made in the ninth year of her said late majesty *Queen Anne*, and of an act made in the fourth year of his late majesty *King George* the Second, and of this present act.

Power given to settle Penny Post Offices where convenient.

XII. And be it further enacted by the authority aforesaid, That when such penny post office or offices shall be settled and established in such cities, towns, suburbs, or places adjacent, within the kingdoms of *Great Britain* and *Ireland*, and the *British* dominions in *America*, as aforesaid, no person or persons whatsoever shall make any collection of letters or packets in or near such city, town, suburbs, or places, where such penny post office or offices shall be established, without licence or leave of the post master general for the time being; upon pain of incurring

Where such offices are established, no person may collect the letters without being duly licensed.

ring the forfeitures and penalties to be forfeited and paid by persons collecting, receiving, carrying, recarrying and delivering letters, contrary to the said act made in the ninth year of the reign of her said late majesty Queen *Anne*, to be recovered in manner as by the said act is directed, and with full costs of suit.

Letters, &c. brought by the inland or foreign post to the London office, and directed beyond the department of the general post, but within the delivery of the penny post, may be sent by the penny post, and charged accordingly. From and after 5 July, 1765, no packet exceeding 4 oz. (except those sent by the general post, &c.) may be sent by the penny post.

XIII. And be it further enacted and declared by the authority aforesaid, That all letters and packets whatsoever, which shall or may be brought, by the inland or foreign post, to the general post office in *London*, directed to any person or persons at any place or places beyond the delivery of the inland or foreign departments of the general post office respectively, and within the delivery of the said office called *The Penny Post Office*, shall be conveyed and delivered by the said penny post office; and that it shall and may be lawful for any messenger or person, carrying or transmitting such letters or packets, to demand and take for the carriage and delivery of the same, one penny, and no more, over and above the rates of postage which shall have become due, for the port or conveyance of such letters or packets to the general post office.

XIV. And whereas the weight of letters and packets, sent or conveyed by the carriage called *The Penny Post*, hath not yet been ascertained by any law or statute: and whereas many heavy and bulky packets and parcels are now sent and conveyed by such carriage, which, by their bulk and weight, greatly retard the speedy delivery thereof; be it thereof enacted by the authority aforesaid, That from and after the fifth day of *July*, one thousand seven hundred and sixty five, no letter, packet, or parcel whatsoever, shall be forwarded, sent, or conveyed, by any carriage called *The Penny Post* already established, or hereafter to be established, if the weight of such letter, packet, or parcel, shall exceed the weight of four ounces, other than such letters or packets as have first come by the post to the general post office, or shall be passing by the said carriage called *The Penny Post*, into the said general post office.

From 5 July, 1765, the same rates of postage are to take place between London and *Hamburgh*, as between London and *Germany*.

XV. And whereas by the said act, made in the ninth year of the reign of her said late majesty Queen *Anne*, certain rates are established for all letters passing from *London* through the *Spanish Netherlands*, or the *United Provinces*, to *Hamburgh* (post-paid to *Antwerp* or *Amsterdam*) and from *Hamburgh* through the *Spanish Netherlands*, or the *United Provinces*, unto *London*; be it enacted, That so much of the said act, made in the ninth year of the reign of her said late majesty Queen *Anne*, as establishes the rates last above mentioned, shall, from and after the fifth day of *July*, one thousand seven hundred and sixty five, be, and the same is hereby repealed; and the said rates shall from thenceforth cease and determine: and from and after the said fifth day of *July*, it shall and may be lawful to and for the said post master general, and his deputy or deputies by him thereunto sufficiently authorized, to and for the use of his Majesty, his heirs, and successors, to demand, have, receive, and take, for the port and conveyance of all letters and packets, sent or conveyed by

the post from *London* to *Hamburg*, or from *Hamburg* to *London*, the same rates or sums of money which, by the said act made in the said ninth year of the reign of her said late majesty *Queen Anne*, are settled, and appointed to be taken for all letters and packets passing by the post from *London* to all other parts of *Germany*.

XVI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said post master general, and his deputy and deputies, if such post master general shall deem it necessary and expedient, to cause the rates or sums for the postage of all letters and packets which are to be sent by the post out of the kingdom of *Great Britain*, to be paid upon their being put into any post office within the said kingdom.

The postage of letters to be sent out of *Great Britain*, may, if deemed necessary, be demanded upon their being put into the office.

XVII. And be it further enacted by the authority aforesaid, That if any deputy, clerk, agent, letter carrier, or other officer whatsoever, appointed, or to be hereafter appointed and employed in the business of the post office, shall, from and after the tenth day of *October*, one thousand seven hundred and sixty five, secrete, embezzle, or destroy, any letter, packet, bag, or mail of letters, which he, she, or they, shall and may be respectively entrusted with, or which shall have come to his, her, or their hands or possession, by virtue of their respective employments in the said post office, containing any bank note, bank post bill, bill of exchange, exchequer bill, *South Sea* or *East India* bond, dividend warrant of the bank, *South Sea*, *East India*, or any other company, society, or corporation, navy or victualling bill, seaman's ticket, state lottery ticket, goldsmith's note for the payment of money, or other bond or warrant, bill, or promissory note for the payment of money, or *American* provincial bill of credit; or shall steal and take, out of any letter or packet that shall come to his, her, or their hands or possession, by virtue of their respective employments, any such bank note, bank post bill, bill of exchange, exchequer bill, *South Sea* or *East India* bond, dividend warrant of the bank, *South Sea*, *East India*, or any other company, society, or corporation, navy or victualling bill, seaman's ticket, state lottery ticket, goldsmith's note for the payment of money, or other bond or warrant, or promissory note for the payment of money, or *American* provincial bill of credit, with intent to secrete, embezzle, or destroy the same; every such offender or offenders, being thereof convicted in due form of law, shall be deemed guilty of felony, and shall suffer death as a felon.

Pettyty of any officer of the post office secreting or embezzling any letter with any bank bill or note, &c. therein,

or taking out any such note or bill;

is felony.

XVIII. And be it further enacted by the authority aforesaid, That from and after the said tenth day of *October*, one thousand seven hundred and sixty five, if any person or persons whatsoever shall rob any of his Majesty's mails of any letter or letters, packet or packets, bag or mail of letters, although such robbery shall not appear, or be proved, to be a taking from the person, or upon the King's highway, or to be a robbery committed in any dwelling-house, or any coach-house, stable, barn, or any outhouse belonging to a dwelling-house, and although it

Penalty of robbing mails.

is felony.

Penalty of any officer, &c. imbezzling or misapplying the postage money received by him, or destroying any letter or packet, or advancing the rates, and not accounting for the same, is felony.

Post boy quitting or deserting the mail, or suffering any person (except the guard) to ride on the horse or carriage,

or loitering on the road, &c.

to be committed to hard labour;

and unlawfully collecting, conveying, or delivering, letters or packets,

he forfeits 10s. for every letter, &c.

should not appear that any person or persons were put in fear by such robbery, yet such offender or offenders, being thereof convicted as aforesaid, shall nevertheless respectively be deemed guilty of felony, and shall suffer death as a felon.]

XIX. And be it further enacted by the authority aforesaid, That if any deputy, clerk, agent, letter carrier, or other servant, appointed, authorized, and intrusted, to take in letters or packets, and receive the postage thereof, shall, after the said tenth day of *October*, imbezzle, or apply to his, her, or their own use, any money or monies by him, her, or them, received with such letters or packets, for the postage thereof; or shall burn or otherwise destroy any letter or letters, packet or packets, by him, her, or them, so taken in or received; or who, by virtue of their respective offices, shall advance the rates upon letters or packets sent by the post, and shall not duly account for the money by him, her, or them, received for such advanced postage; every such offender or offenders, being thereof convicted as aforesaid, shall be deemed guilty of felony.

XX. And be it further enacted by the authority aforesaid, That if any post boy or rider, having taken any of his Majesty's mails, or bags of letters or packets, under his care, in order to convey the same to the next post town or stage, shall, after the said tenth day of *October*, quit or desert the same before his arrival at such post town or stage, or shall suffer any other person or persons (the person or persons employed to guard such mail or bags of letters and packets only excepted) to ride on the horse or carriage along with the said mails or bags of letters and packets; or shall loiter on the road, and wilfully mispend his time, so as to retard the arrival of the said mails or bags of letters at the next post town or stage; or shall not, in all possible cases, convey such mails or bags of letters after the rate of six *English* miles an hour at the least; every such offender, for every such offence, being thereof convicted, either by voluntary confession of the party, or by the oath or oaths of one or more credible witness or witnesses, before any one or more justice or justices of the peace (which oath and oaths the said justice or justices is and are hereby respectively impowered and required to administer) shall be sent to the house of correction, and confined to hard labour for any time not exceeding one month, nor less than fourteen days.

XXI. And be it further enacted by the authority aforesaid, That from and after the said tenth day of *October*, if any post boy or post boys, rider or riders, shall, by himself or themselves, or in combination with others, unlawfully collect or receive letters or packets, or convey, or cause letters and packets to be unlawfully conveyed, and shall thereof be convicted, either by the voluntary confession of the party, or by the oath of one or more credible witness or witnesses, before any one or more justice or justices of the peace (which oath and oaths the said justice and justices is and are hereby respectively impowered and required to administer) every such offender or offenders shall, for every letter or packet so by him or them unlawfully collected,

con-

conveyed, or delivered, forfeit the sum of ten shillings, to be paid to the informer; and if the same shall not be forthwith paid upon conviction, it shall and may be lawful for such justice and justices to commit such offender or offenders to the house of correction, there to remain at hard labour for any space not exceeding two months, nor less than one month.

XXII. And be it further enacted by the authority aforesaid, That all and every the clauses, provisos, powers, privileges, advantages, disabilities, penalties, forfeitures, and methods for the recovery of the same matters and things, contained in the said act made in the ninth year of the reign of her said late majesty Queen *Anne*, or in any other act or acts whatsoever, touching the general post office, or the carriage called *The Penny Post Office*, and not herein and hereby expressly altered or repealed, shall be applied and extended, and shall be construed to apply and extend, to this present act, as fully and effectually, to all intents and purposes, as if the same had been particularly repeated and re-enacted in the body of this present act.

XXIII. And be it further enacted and declared, That all rates or sums of money established or appointed by this act, and also all sums of money imposed as forfeitures or penalties, and all sums of money required to be paid, and all other monies therein mentioned, shall be deemed and taken to be sterling money of *Great Britain*, and shall be collected, taken, recovered, and paid, to the amount of the value which such nominal sums bear in *Great Britain*.

XXIV. And be it further enacted by the authority aforesaid, That all the monies arising by the rates aforesaid, except the monies which shall be necessary to defray such expences as shall be incurred in the collection and management of the same, and all other expences attending the said office, and the due execution of the acts relating thereto, shall be appropriated and applied to such and the same uses, to which the present rates of postage are respectively now by law appropriated and made applicable.

XXV. Provided always, and be it further enacted by the authority aforesaid, That all charges, out-goings, and disbursements, necessary for the receipt and management of the said rates, and the rates granted by former acts, and all other expences attending the said office, and the due execution of the several acts relating thereto, be allowed and paid, in like manner as the same have heretofore been allowed, authorized, and paid, at any time since the commencement of the rates granted by the said act made in the ninth year of the reign of Queen *Anne*; any thing in this act, or in an act passed in the first year of his Majesty's reign, intituled, *An act for the support of his Majesty's household, and of the honour and dignity of the crown of Great Britain, to the contrary notwithstanding*.

XXVI. And whereas by an act made in the fourth year of the reign of his present Majesty, intituled, *An act for preventing frauds and abuses, in relation to the sending and receiving of letters*

and packets free from the duty of postage, it is enacted, That from and after the first day of *May*, one thousand seven hundred and sixty four, so long as the revenue arising in the general letter office or post office, or office of post master general, shall continue to be made part of the aggregate fund, no letters or packets sent by the post, to or from any place whatsoever, shall be exempted from paying the duty of postage, except such letters and packets as are therein particularly excepted: and whereas the privilege of sending and receiving letters and packets, free from the duty of postage, is not by the said act extended to the pay master general of his Majesty's forces for the time being, or to the clerk of the parliaments, or to the clerk of the house of commons of *Great Britain*, for the time being, who, by virtue of their respective offices and employments, necessarily send and receive many letters relating to the publick concerns of these kingdoms; be it therefore enacted by the authority aforesaid, That from and after the passing of this act, the said pay master general of his Majesty's forces for the time being, shall and may send and receive letters, free from the duty of postage, in the same manner, and under such restrictions, as other officers mentioned in the said act are thereby permitted, in respect of their offices, to send and receive; and that the said clerk of the parliaments, and clerk of the house of commons of *Great Britain*, for the time being, shall and may respectively, from and after the passing of this act, send and receive letters, free from the duty of postage, in the same manner, and under such restrictions, as any member of either of the two houses of parliament of *Great Britain* now send and receive the same, in pursuance of the said act.

Pay master
general,

Clerk of the
parliaments,
and clerk of
the house of
commons,
impowered to
send and re-
ceive letters
free of post-
age.

Limitation of
actions.

General issue.

Treble costs.

XXVII. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the same shall be commenced within six months after the fact committed, and not afterwards; and the defendant or defendants in such action or suit shall and may plead the general issue, and give this act, and the special matter, in evidence; and that the same was done in pursuance, and by the authority of this act: and if it shall appear so to be done, or that such action or suit shall be commenced after the time before limited for bringing the same, that then the jury shall find for the defendant or defendants; and upon a verdict for the defendant, or if the plaintiff or plaintiffs shall be nonsuited, or discontinue his, her, or their action or suit, after the defendant or defendants shall have appeared; or if, upon demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as any defendant or defendants hath or have in any other cases by law.

C A P. XXVI.

An act for carrying into execution a contralt made, pursuant to the act of parliament of the twelfth of his late majesty King George the First, between the commissioners of his Majesty's treasury and the duke and dutchess of Atholl, the proprietors of the Isle of Man, and their trustees, for the purchase of the said island and its dependencies, under certain exceptions therein particularly mentioned.

“ **W**HEREAS his late majesty King Henry the Fourth, Preamble.

by his letters patent under the great seal of *England*, bearing date at *Westminster* the sixth day of *April*, in the seventh year of his reign, did grant to Sir *John de Stanley* knight, the island, castle, pele, and lordship, of *Man*, and all the islands and lordships to the said island of *Man* appertaining, which did not exceed the value of four hundred pounds by the year; to have and to hold to the said *John* and his heirs and assigns, all the islands, castle, pele, and lordship aforesaid, together with the royalties, regalities, franchises, liberties, sea ports, and all things to port reasonably and duly belonging, homages, fealties, wards, marriages, reliefs, escheats, forfeitures, waifs, estrays, courts baron, views of frankpledge, leets, hundreds, wapentakes, wreck of the sea, mines of lead and iron, fairs, markets, free customs, meadows, pastures, woods, parks, chaces, lawns, warrens, assarts, purprestures, chiminages, piscaries, mills, moors, marshes, turbarys, waters, pools, fish ponds, ways, passages, and commons, and other commodities, emoluments, and appurtenances whatsoever, to the said islands, castle, pele, and lordship, in any wise appertaining or belonging, together with the patronage of the bishoprick of the said island of *Man*, and also knights fees, advowsons, and patronages of abbies, priories, hospitals, churches, vicarages, chapels, chauntries, and other ecclesiastical benefices whatsoever, to the said islands, castle, pele, and lordship, likewise belonging, of the said King and his heirs for ever, by liege homage, and the service of rendering to the said King two falcons once only; that is to say, immediately after the same homage done, and of rendering to his heirs, Kings of *England*, two falcons on the days of their coronations, instead of all other services, customs, and demands, as freely, fully, and entirely, as Sir *William le Scrope*, deceased, in the said letters patent named, or any other lord of the said island, was ever, in former times, in the best and freest manner accustomed to have and hold those islands, castle, pele, and lordship, with the appurtenances, together with all other the premises therein and herein before mentioned, the said liege homage, and rent of falcons, only excepted: and whereas the monastery and priory of *Rusbing* and *Douglas*, and the *Fryers Minors*, commonly called *The Grey Fryers of Brymaken*, otherwise *Bymaken*, with their appurtenances, in the said island of *Man*,

were, on or about the general dissolution of the lesser religious houses, by force and virtue of an act for that purpose made in the twenty seventh year of the reign of his late majesty King *Henry the Eighth*, dissolved, and vested in his said Majesty, his heirs and successors: and whereas by an act of parliament made in the thirty third year of the reign of his said late King *Henry the Eighth*, for dis severing the bishoprick of *Chester*, and of the *Isle of Man*, from the jurisdiction of *Canterbury* to the jurisdiction of *York*, it was enacted, That the bishoprick and diocese of *Man*, in the *Isle of Man*, should be annexed, adjoined, and united, to the province and metropolitan jurisdiction of *York*, in all points, and to all purposes and effects, as the bishoprick of *Chester* was annexed, adjoined, and united, to the same: and whereas on the death of *Ferdinando* earl of *Derby*, cousin and heir male of the body of the said Sir *John de Stanley*, which happened in or about the thirty sixth year of the reign of her late majesty Queen *Elizabeth*, a controversy arose concerning the inheritance of the said islands, castle, pele, and lordship, with the appurtenances, between the daughters and coheirs of the said *Ferdinando* earl of *Derby* on the one part, and *William* earl of *Derby* his surviving brother on the other part; which controversy was, by her said Majesty's command, referred to the lord keeper of the great seal, and others of her Majesty's privy council, together with the chief justices of the courts of *Queen's Bench* and *Common Pleas*, and the chief baron of the court of *Exchequer*; and till the said controversy, and certain other doubts which arose on the said letters patent, should be determined, the said island, castle, pele, and lordship, of *Man*, with the appurtenances, and all other the premises in the said letters patent mentioned, were taken into the hands of her said Majesty, in right of the crown of *England*: and whereas his late majesty King *James the First*, by his letters patent under the great seal of *England*, bearing date at *Westminster* the seventeenth day of *March*, in the third year of his reign, did, in consideration of a fine of one hundred and one pounds, fifteen shillings, and eleven pence, paid into the receipt of his said Majesty's exchequer by Sir *Thomas Leighe* knight, and *Thomas Spencer* esquire, and for other considerations, demise, lease, and to farm-lett, to the said Sir *Thomas Leighe* knight, and *Thomas Spencer*, all those houses, scites, circuits, and precincts, formerly the monastery and priory of *Rushing* and *Douglas*, and the *Fryers Minors*, commonly called the *Grey Fryers* of *Brymaken*, otherwise *Bymaken*, with all their appurtenances in his island of *Man*, and all those his rectories and churches of *Kirkecriß* in *Shelding* and *Kirklovan*, with their appurtenances in his said island of *Man*, formerly belonging to the monastery of *Rushing* aforesaid, and being parcel of the possessions thereof, thentofore usually lett at the annual rent of one hundred and one pounds, fifteen shillings, and eleven pence; except, and always reserved to his Majesty, his heirs, and successors, all and all manner of woods, underwoods, wardships, marriages, mines, and quarries, belonging to the premises; to

be had and holden to the said Sir *Thomas Leighe*, and *Thomas Spencer*, their executors and assigns, for the term of forty years from the making the said letters patent, under the said annual rent of one hundred and one pounds, fifteen shillings, and eleven pence, and the several other payments issuing out of the premisses, therein particularly mentioned, amounting, in the whole, to the sum of twenty one pounds, seventeen shillings: and whereas his said late majesty King *James* the First, by certain other letters patent under the great seal of *England*, bearing date at *Westminster* the fourteenth day of *August*, in the fifth year of his reign, at the petition of *William* earl of *Derby* cousin and heir male of the body of the said Sir *John de Stanley* deceased, *Henry* earl of *Huntingdon* and *Elizabeth* his wife, *Grave Bridges* lord *Chandos* and *Anne* his wife, and Sir *John Egerton* knight, son and heir male apparent of *Thomas* lord *Ellesmere* then chancellor of *England* and *Frances* his wife (which *Anne*, *Frances*, and *Elizabeth*, were the cousins and heirs of the said Sir *John de Stanley*) did grant to *Henry* earl of *Northampton*, and *Robert* earl of *Salisbury*, the said island, castle, pele, and lordship of *Man*, and all the islands and lordships to the same appertaining, and all and singular the royal regalities, franchises, liberties, and all other the rights, profits, and commodities thereunto belonging, in the same letters patent particularly mentioned and contained (except all those houses, scites, circuits, and precincts, formerly the monastery and priory of *Rushinge* and *Douglas*, and the fryers minors commonly called the *Grey Fryers* of *Brymaken*, otherwise *Bymaken*, and the rectories and churches of *Kirkecriste* in *Shelding* and *Kirklovan*, formerly to the said monastery of *Rushing* belonging and appertaining, and parcel of the possessions of the same, with their rights, members, and appurtenances, therein more particularly described) to be had and holden to the said *Henry* earl of *Northampton*, and *Robert* earl of *Salisbury*, their heirs and assigns, of the said King, his heirs and successors for ever, by the liege homage, and by the service of rendring two falcons in manner and form aforesaid; which said island, castle, pele, and lordship of *Man* aforesaid, and all the islands, and lordships thereunto belonging, and other the premisses before mentioned (except as before excepted) were granted, or mentioned to be granted, by the late King *Henry* the Fourth, to the said Sir *John de Stanley*, by letters patent, bearing date at *Westminster* the sixth day of *April*, in the seventh year of his reign; and the said King did also grant to the said *Henry* earl of *Northampton*, and *Robert* earl of *Salisbury*, all and all manner of issues, revenues, and profits, of the said island, castle, pele, and lordship of *Man*, and all and singular the premisses (except as before excepted) which had not been paid to the late Queen, or to his then present Majesty, without any account to be rendered to his Majesty for the same: and whereas by indenture inrolled of record, and made, or mentioned to be made, the eighteenth day of *June*, in the said seventh year of the reign of his said late majesty King *James* the

First, between the said King of the one part, and the said *Robert* earl of *Salisbury* lord treasurer of *England*, *Henry* earl of *Northampton* keeper of the King's privy seal, *William* earl of *Derby*, *Henry* earl of *Huntingdon* and *Elizabeth* his wife, *Grave Bridges* lord *Chandos* and *Anne* his wife, and *John Egerton* knight and *Frances* his wife, of the other part, but not executed or acknowledged of record by the said *William* earl of *Derby*, the said *Robert* earl of *Salisbury*, *Henry* earl of *Northampton*, *William* earl of *Derby*, *Henry* earl of *Huntingdon* and *Elizabeth* wife, *Grave Bridges* lord *Chandos* and *Anne* his wife, *John Egerton* knight and *Frances* his wife, did give, grant, bargain, sell, surrender, and confirm, or were mentioned to give, grant, bargain, sell, surrender, and confirm, to the said King, his heirs and successors for ever, the said island, castle, pele, and lordship of *Man*, and all the islands and lordships to the same appertaining, and all and singular the royal regalities, franchises, liberties, and all other the rights, profits, and commodities, thereunto belonging, in the same letters patent, and also in the letters patent herein last before recited, particularly mentioned and contained, and all their right, title, state, use, possession, interest, claim, and demand whatsoever, in the said island, castle, pele, lordship, and premises, or in any part thereof, to be had and holden to and for the use of the said King, his heirs, and successors, for ever : and whereas his said late majesty King *James* the First, by certain other letters patent under the great seal of *England*, bearing date at *Westminster* the twenty eighth day of *June*, in the seventh year of his reign, did demise, grant, and to farm-lett, to the said *Robert* earl of *Salisbury*, and *Thomas* earl of *Suffolk*, the said island, castle, pele, and lordship of *Man*, with all their rights, members, and appurtenances, and all his islands, lordships, castles, monasteries, abbies, priories, farms, messuages, lands, tenements, and hereditaments whatsoever, to the said island of *Man* appertaining or belonging, or situate, lying, or being, in or within the same, with all and singular their rights, members, and appurtenances, and all and singular the royal regalities, franchises, liberties, sea ports, and all things to port reasonably and duly appertaining ; lands thentefore overflowed by, and then gained from, the sea, and reduced to dry soil ; lands then overflowed by the sea, and which thereafter should be gained and reduced to dry soil ; homages, fealties, knights fees, wards, marriages, reliefs, escheats, forfeitures, waifs, goods and chattels of felons, fugitives, persons outlawed, attainted, condemned, and put in exigent ; estrays, decodands, villeins, and naifs, with their issue ; estovers, and commons of estovers ; courts leet, views of frankpledge, courts baron, courts of admiralty, courts of portmote, leets, hundreds, wapentakes, and the perquisites and profits of courts, views of frankpledge, courts baron, courts of admiralty, courts of portmote, and leets, and all that to courts leet, views of frankpledge, courts baron, and courts of portmote belonged, or thereafter could or ought to belong, wrecks of the sea, mines of lead and iron, quarries, fairs, fair days, markets, tolls, and issues of fairs, free customs, rights, jurisdictions, franchises, privileges, manors, vills,

vills, towns, castles, granges, messuages, houses, edifices, mills, barns, stables, dove-houses, orchards, fruiteries, gardens, tofts, cottages, curtilages, lands, tenements, meadows, feedings, pastures, demefne lands, glebe lands, leafows, wastes, heaths, moors, marshes, ways, void grounds, paths, easements, woods, under-woods, wood lands and trees, and the soil and ground of the said woods, underwoods, and trees, tithes of corn, grain, and hay, wool, flax, hemp, lambs, and all other tithes whatsoever, as well great as small, rectories, advowsons, donations, and rights of patronage, of all and singular hospitals, churches, vicarages, chapels, and all other ecclesiastical benefices whatsoever, oblations, obventions, fruits, profits, waters, water-courses, streams, aqueducts, suits, fokes, multures, and also all and singular forests, parks, chases, lawns, warrens, assarts, purprestures, chiminages, piscaries, fishings, rents, pensions, portions, frankfolds, turbaries, pools, fish-ponds, ways, passages, commons, rents, reversions, and services, rents charge, rents seck, rents of assize, and rents and services of tenants, as well free as customary, works of tenants, annual farm rents, fee farms, annuities, heriots, fines, amerciaments, tolls, duties, anchorages, groundages, profits, commodities, advantages, emoluments, hereditaments, and appurtenances whatsoever, as well spiritual as temporal, situate, lying, or being, coming, growing, renewing, or arising, within the said island, castle, pele, and lordship of *Man*, or within the sea to the same island contiguous and adjoining, or within any other islands, lordships, peles, castles, farms, or lands, to the said island of *Man* appertaining, or to the same or any of them appurtenant, incident, appendant, or belonging, or at any time heretofore had, known, taken, occupied, used, demised, let, or reputed to be members, parts, or parcels of the same, and the patronage of the bishoprick of the said island of *Man*, and the patronage of the bishoprick of *Sodor*, and the patronage of the bishoprick of *Soder and Man*, and the temporalities of the said bishopricks, whensoever they should happen to be vacant, and the reversion and reversions, remainder and remainders, of all and singular the said islands, castles, peles, lordships, patronages of bishopricks, rectories, forests, chases, parks, farms, granges, messuages, lands, tenements, and hereditaments whatsoever, and of the rest of the premisses therein before demised, and every parcel thereof, dependant and expectant on any gift, demise, or grant, for term of life or lives, or years, or in fee tail or otherwise, of the premisses, or any part thereof, however made, or being of record, or not of record, and the rents and profits thereupon reserved, or in any manner incident to the same, or any part thereof (except the said houses, scites, circuits, and precincts, formerly the monastery and priory of *Ruſhing* and *Douglas*, and the fryers minors of *Brymaken*, otherwise *Bymaken*, and the rectories and churches of *Kirkcrist* in *Sholden* and *Kirkelovan*, with their and every of their rights, members, and appurtenances, therein particularly described) to be had and holden, to the said *Robert* earl of *Salisbury*, and *Thomas* earl of *Suffolk*, their executors

tors and assigns, from the feast of Saint *Michael the archangel* then last past, for the term of twenty one years from thence next following, at and under the yearly rent of twenty shillings of lawful money of *England*: and whereas his said late majesty King *James* the First, by certain other letters patent under the great seal of *England*, bearing date at *Westminster* the seventh day of *July*, in the seventh year of his reign, reciting the said letters patent herein last before recited, did give and grant unto the said *William* earl of *Derby* and *Elizabeth* his wife, and *James Stanley* lord *Stanley* his son and heir apparent, all the said island, castle, pele, and lordship of *Man*, and all the islands and lordships to the same belonging, and all and singular the royal regalities, franchises, liberties, and all and singular other the premisses in the said therein and herein recited letters patent demised and granted, with all their rights, members, and appurtenances (except the said houses, scites, circuits, and precincts, and other the premisses in the said therein recited letters patent excepted) and farther, that the said *William* earl of *Derby* and *Elizabeth* his wife, and *James Stanley* lord *Stanley*, and the heirs and assigns of the said *James*, should have, hold, and enjoy, within the said island, castle, pele, and lordship of *Man*, and other the premisses, such and the like courts leet, profits of courts leet, views of frank pledge, courts of portmote, courts of admiralty, and every thing to all and every the said courts belonging, law days, assize and assay of bread, wine, and beer, waifs, estrays, goods and chattels of felons, fugitives, felons of themselves, clerks convict or attainted, traitors, or of those who being indicted of treason, murder, or felony, refuse to answer to the same according to the law and custom of *England*, or stand obstinately mute, or refuse to stand to the judgement thereupon to be given, or of persons otherwise convicted or condemned, deodands, knights fees, wards, marriages, reliefs, escheats, heriots, forests, chafes, free warrens, parks, liberties of parks, wrecks of the sea, anchorage and groundage, and all other rights royal, regalities, jurisdictions, franchises, liberties, customs, privileges, profits, commodities, advantages, emoluments, and hereditaments whatsoever, as well spiritual as temporal, as fully, freely, and intirely, and in as ample manner and form, as Sir *William Le Scrope* knight, *Henry Percy* earl of *Northumberland*, Sir *John Stanley* knight, or any of them, or any other person or persons thentofore had, held, used, or enjoyed the same, within the said island, castle, pele, and lordship, farms, messuages, lands, and hereditaments, and other the premisses therein before granted, or any part or parcel thereof, by reason or pretence of any charter, gift, grant, confirmation, or letters patent, from any Kings or Queens of *England*, or of any act or acts of parliament, or of any lawful prescription, usage, or custom, or of any other right or title whatsoever, and as fully, freely, and in as ample manner and form, as his said Majesty, or any of the former Kings or Queens of *England*, had and enjoyed, or ought to have had, used, and enjoyed, the said island, castle, pele, and lordship of *Man*,
farms,

farms, messuages, lands, tenements, and hereditaments, and all and singular other the premisses therein before granted, or any part or parcel thereof, to be had and holden, to and to the use of the said *William* earl of *Derby* and *Elizabeth* his wife, for and during the natural life and lives of them and the survivor of them, and after their deceases, to and to the use of the said *James Stanley* lord *Stanley*, and his heirs for ever, of his said Majesty, his heirs and successors, for ever, by liege homage, and by the service of rendering to the said King two falcons once only; that is to say, immediately after the said homage done, and of rendering to his said Majesty's heirs, Kings of *England*, two falcons on the days of their coronations, in lieu of all other services, customs, and demands; and the said King did moreover give and grant to the said *William* earl of *Derby* and *Elizabeth* his wife, and *James Stanley* lord *Stanley*, his heirs and assigns, all and all manner of rents, arrearages of rent, issues, revenues, and yearly profits of the said island, castle, pele, and lordship of *Man*, and other the premisses (except as before excepted) heretofore due, and not paid to his late dear sister *Elizabeth* late Queen of *England*, or to himself, or to any of his progenitors, to be by them received, without any account for the same: and whereas his said late majesty King *James* the First, by certain other letters patent under the great seal of *England*, bearing date at *Westminster* the second day of *May* in the eighth year of his reign, did give and grant to the said *William* earl of *Derby* and *Elizabeth* his wife, and the heirs of the said *William*, all those houses, scites, circuits, and precincts, formerly the monastery and priory of *Rushing* and *Douglas*, and the fryers minors commonly called *The Grey Fryers of Brymeken*, otherwise *Bymaken*, with all their appurtenances in the *Island of Man*, and all those his rectories and churches of *Kirkcrist* in *Shelding* and *Kirklovan* with their appurtenances in the said *Island of Man*, formerly belonging to the monastery of *Rushing* aforesaid, and being parcel of the possessions thereof, by a particular thereof extending to the clear annual rent or value of one hundred and one pounds, fifteen shillings, and eleven pence, over and above certain other payments in the said letters patent mentioned issuing thereout, and amounting in the whole to twenty one pounds, seventeen shillings, and all and singular his monasteries, abbies, granges, lands, tithes, tenements, and hereditaments whatsoever, with all and singular their rights, members, and appurtenances, in the said *Island of Man*, and all messuages, mills, houses, edifices, buildings, barns, stables, dovehouses, orchards, fruiteries, gardens, lands, tenements, tofts, cottages, pools, fishponds, meadows, feedings, pastures, heaths, moors, marshes, ways, void grounds, roads, paths, easements, woods, underwoods, coppice woods, woodlands, trees, fruits, profits, commodities, streams, banks, rivulets, watercourses, aqueducts, piscaries, fishings, rents, avenues, and services, tithes of corn in sheaf, corn in blade, grain, and hay, and all other tithes whatsoever as well great as small, oblations, obventions, hawkings, huntings, frank-

frankfolds, turbaries, suits, fokes, multures, warrens, mines, quarries, rents and services as well of free as of customary tenants, rent charges, rents seck, and rents and services reserved upon any demises, or grants of the premises, or any parcel thereof, works of tenants, annual farm rents, fee farms, customs, annuities, knights fees, wards, marriages, escheats, reliefs, aids, heriots, fines, amerciaments, courts leets, views of frankpledge, perquisites and profits of courts and leets, and all that to courts leet or view of frankpledge belonged, or thereafter could or ought to belong, waifs, goods and chattels of petty traitors, felons, fugitives, persons outlawed, attainted, condemned, and put in exigent, and of those who being indicted of any petty treason, murder, or felony, shall stand obstinately mute, or will not answer directly and justify themselves according to the law and custom of *England*, and of all persons convicted or attainted, estrays, deodands, villeins and naifs with their issue, estovers and commons of estovers, fairs, markets, stallages, tolls, duties, imposts, rights, jurisdictions, franchises, liberties, customs, privileges, profits, commodities, advantages, emoluments, and hereditaments, with all and singular their rights, members, and appurtenances, within the said *Island of Man*, to the said monasteries and priories of *Rusby* and *Douglass*, and the fryers minors of *Brymaken*, otherwise *Bymaken*, and rectories and churches of *Kirkcrist* in *Shelding*, and *Kirklevan*, and other the premises therein before given and granted, or to any parcel thereof, belonging, appertaining, incident, or appendant, and the reversion and reversions of the same expectant on any grant or demise for term of life or lives, or years, or otherwise, whether the same be of record or not of record, and all woods, underwoods, coppice woods, and trees whatsoever, growing and being in and upon the premises, or any part thereof, and the land, ground, and soil of the same, and all rents and annual profits reserved upon any demise or grant of the premises, or any part thereof; and also that the said *William* earl of *Derby* and *Elizabeth* his wife, and the heirs of the said *William*, should have, hold, and enjoy, all such and the like courts leets, views of frankpledge, law days, assise and assay of bread, wine, and beer, waifs, estrays, chattels of felons, fugitives, and persons put in exigent, deodands, knights fees, wards, marriages, reliefs, escheats, heriots, free warrens, hawkings, huntings, and all other rights, jurisdictions, franchises, liberties, customs, privileges, profits, commodities, advantages, emoluments, and hereditaments whatsoever, and as fully, freely, and intirely, as any abbot or prior of the said former monastery and priory of *Rusby* and *Douglas*, and the fryers minors of *Brymaken*, otherwise *Bymaken*, or any other person or persons heretofore having, possessing, or being seised of the said monastery, priory, fryers minors, rectories, churches, and other the premises, ever had, held, used, or enjoyed, or ought to have had, held, used or enjoyed, the same, or any part thereof, by reason or pretence of any charter, gift, grant, or confirmation, by his said Majesty, or any of his ancestors Kings or Queens of *England*, or of any act or acts of parliament,

liament, or of any lawful prescription, usage, or custom, or otherwise howsoever by any lawful means, right, or title, and as fully, freely, and intirely, as his said Majesty, or any of his said ancestors, ever had and enjoyed, or ought to have had and enjoyed, the same, and in as ample manner and form as the same came, or ought to have come, to the hands of his said Majesty, or any of his said ancestors, by reason or pretence of the dissolution or surrender of any of the said monasteries or priories, or by reason or pretence of any act or acts of parliament, escheats, exchanges, attainders, or forfeitures, or by any other lawful means, right, or title whatsoever; to be had, holden, and enjoyed, to and to the use of the said *William* earl of *Derby* and *Elizabeth* his wife, and the heirs of the said *William*, for ever, of his said Majesty, his heirs and successors, as of the manor of east *Greenwich* in *Kent*, by fealty only, in free and common soccage, and not in chief, or by knight service, at and under the yearly rent of one hundred and one pounds, fifteen shillings, and eleven pence, of lawful money of *England*, to be paid at the receipt of his Majesty's exchequer at *Westminster*, at the feast of Saint *Michael the Archangel*, and the annunciation of the blessed Virgin *Mary*, by equal portions, in lieu of all other rents, services, exactions, and demands whatsoever, and it was agreed, that the said *William* earl of *Derby* and *Elizabeth* his wife, and the heirs of the said *William*, should yearly and every year pay, or cause to be paid, the several sums therein mentioned, due and issuing out of the premises, and amounting in the whole to the sum of twenty pounds, seventeen shillings, yearly; and thereof should acquit, discharge, and save harmless, his said Majesty, his heirs, and successors: and whereas by an act of parliament made in the eighth year of the reign of his said late majesty King *James* the First, intituled, *An act for the assuring and establishing of the Isle of Man, in order to continue the said island, castle, pele, and lordship of Man, with their rights, members, and appurtenances, in the name and blood of the said William earl of Derby*, it was enacted, that the said *William* earl of *Derby* and *Elizabeth* his wife, for and during their lives, and the longer liver of them, and after their deaths the said *James* lord *Stanley*, and the heirs male of his body lawfully begotten, and after his death without such issue, *Robert Stanley* second son of the said earl, and the heirs males of his body lawfully begotten, and after his death without such issue, the heirs males of the body of the said *William* earl of *Derby* lawfully begotten, and for default of such issue, the right heirs of the said *James* lord *Stanley*, should and might for ever thereafter have, hold, and quietly enjoy, freely and clearly, against his said Majesty, his heirs and successors (by the tenures, rents, and services, therein after mentioned to be reserved) against *Thomas* lord *Ellesmere* lord-chancellor of *England* and *Alice* countess of *Derby* his wife, late the wife of *Ferdinando* earl of *Derby* deceased, and against *Henry* earl of *Huntingdon* and *Elizabeth* his wife, *Gray* lord *Chandos* and *Anne* his wife, *Sir John Egerton* knight son and heir apparent of the

the said *Thomas* lord *Ellesmere* and *Frances* his wife, and the heirs of the said *Elizabeth*, *Anne*, and *Frances*, who were the only daughters and sole heirs of the said *Ferdinando* late earl of *Derby*, and to whom and their husbands the said *William* earl of *Derby* had paid divers sums of money for their claim, right, and title, to the said isle, castle, pele, and lordship of *Man*, as appeared by their deed, bearing date the fourteenth day of *February* in the sixth year of his said Majesty's reign, whereby they had agreed to give their consents for the passing of an act of parliament, for the giving and extinguishing of such their right, title, and interest, and against the heirs of the said *Ferdinando* late earl of *Derby*, and against *Thomas Ireland* esquire, his executors, administrators, and assigns, all the said isle, castle, pele, and lordship of *Man*, with the rights, members, and appurtenances, and all the then or late monastery and priory of *Rusling* and *Douglas*, and the fryers minors commonly called *The grey fryers of Brymaken*, otherwise *Bymaken*, with their rights, members, and appurtenances, and the rectories and churches of *Kirkcriste* in *Shelding* and *Kirkelovan*, with their appurtenances, and the patronage of the bishoprick and bishopricks aforesaid, and all other the hereditaments whatsoever granted by his said Majesty by his said several letters patent, the one bearing date the seventh day of *July* in the seventh year of his said Majesty's reign, and the other bearing date the second day of *May* in the eighth year of his said Majesty's reign, which last mentioned letters patent were made and granted during the then session of parliament: and it was further enacted, That neither the said lord *Stanley*, nor the said *Robert Stanley*, nor any of the heirs males of their bodies respectively nor any of the heirs males of the body of the said *William* earl of *Derby*, should have any power to alien, sell, or convey, the said isle, castle, pele, and lordship of *Man*, and other the premises, or any part of them, from his or their issue, or other persons appointed by the said act to enjoy the same, but that the same should remain and continue as by the said act is appointed; and that all gifts, grants, alienations, bargains, sales, conveyances, assurances, and acts done or to be done to the contrary (except as therein is excepted) should be utterly void, and of none effect: and it was further enacted, That neither the said act, nor any thing therein contained, should extend or be construed to avoid, frustrate, abridge, impair, diminish, or prejudice, the state, interest and term of years of Sir *Thomas Leigh* knight, and *Thomas Spencer* esquire, their executors, administrators, and assigns, of the messuage, lands, tenements, tithes, profits, hereditaments, and other things in the said isle of *Man*, granted by the said letters patent, bearing date the seventeenth day of *March* in the third year of his said Majesty's reign, for the term of forty years; and that they and every of them should and might peaceably and quietly, during the said term, have, hold, occupy and enjoy, the same, upon such yearly rents, reservations, covenants, provisos, and agreements, as were mentioned and expressed in the said letters patent; saving to the archbishop of *York* and his suc-

successors, all metropolitical jurisdiction in all points, and to all purposes of the bishopricks and diocese of *Man* in the said isle of *Man*, as is given, united, limited, and appointed, to the province and archbishoprick of *York*, by the said act of parliament made in the three and thirtieth year of the reign of the said King *Henry* the Eighth: and whereas his late majesty King *Charles* the Second by his letters patent, bearing date at *Westminster*, the twelfth day of *February* in the nineteenth year of his reign, did give and grant unto *Charles* earl of *Derby* (son and heir of the said *James* lord *Stanley* afterwards earl of *Derby* deceased) all and all manner of mines royal of gold or silver, or holding gold or silver to such a proportion as, according to the laws of *England*, doth make the same a mine royal, situate, lying, and being, in the isle of *Man*, whether the same be opened or not opened; to be had and holden unto the said *Charles* earl of *Derby*, and to the heirs males of his body lawfully begotten, at and under the yearly rent and payment therein contained and expressed; which said grant, upon the failure of heirs male of the body of the said *Charles* earl of *Derby* by the death of *James* late earl of *Derby*, which happened on or about the first day of *February*, in the year of our Lord one thousand seven hundred and thirty five, expired, and the right of the said mines royal re-vested in his then majesty King *George* the Second, his heirs and successors: and whereas in and by one other act of parliament, made in the twelfth year of the reign of his late majesty King *George* the First, intituled, *An act for the improvement of his Majesty's revenues of customs, excise, and inland duties*, after laying several restrictions upon the fraudulent trade then carried on between *Great Britain* and the said *Isle of Man*, it was (for the better enabling his Majesty to prevent the said frauds and abuses) enacted, That it should and might be lawful to and for the commissioners of his Majesty's treasury then or for the time being, or any three or more of them, or the lord high treasurer for the time being, on the behalf of his Majesty, his heirs and successors, and also to and for the right honourable *James* earl of *Derby*, his tenants, or assigns, the right honourable *John* lord *Ashburnham* for and on behalf of his daughter *Henrietta Bridget Ashburnham* an infant, *Bryan Fairfax* esquire, trustee for the said infant, or the survivor of them; and all or any other person or persons claiming or to claim by, from, or under, the said earl, or any of his ancestors, to treat, contract, and agree for the absolute purchase or sale, release or surrender to or for the use of his Majesty, his heirs and successors, of all or any estate, right, title, or interest, which he the said earl, his tenants, the said *Henrietta Bridget Ashburnham*, or such other person or persons then had or claimed, or could or might have or claim, in or to the said island or lordship of *Man*, or in or to all or any regalities, powers, honours, superiorities, jurisdictions, rights, privileges, duties, customs, revenues, profits, or other advantages whatsoever, in, over, or about the said island of *Man*, or its dependencies, for such sum or sums of money, or upon

such other terms or conditions, as they should think fitting; and that upon the executing of such contracts or agreements by or on the behalf of the said earl, his tenants, the said *Henrietta Bridget Ashburnham*, or such other person or persons claiming or to claim under him, or any of his ancestors as aforesaid, or upon executing such other conveyances, assignments, releases, or surrenders, as in such contract or contracts should be agreed on for that purpose, it should and might be lawful to and for the said commissioners of the treasury then or for the time being, or any three or more of them, or the lord high treasurer for the time being, and they were thereby impowered, by and out of any monies arisen or to arise to his Majesty, his heirs, or successors, of or for any customs, subsidies, impositions, or other duties, upon the importation or exportation of any goods or merchandizes whatsoever, already granted or payable, or thereafter to be granted or payable to his Majesty, his heirs or successors, in *Great Britain, Wales, or Berwick upon Tweed*, to order and direct the payment of such sum or sums of money, from time to time, as should be so contracted or agreed on for such purchase or purchases, to such person or persons as, according to the terms of such contracts or agreements, should be intitled to have and receive the same: and whereas the most noble *James late duke of Atholl*, as right heir of the said *James lord Stanley*, on failure of heirs male of the body of the said *William earl of Derby* by the death of the said *James late earl of Derby*, became seized to him and his heirs of the said island, castle, pele, and lordship of *Man*, and all other the premises aforesaid, except the mines royal so revested in the crown as aforesaid; and by a certain indenture or deed of feoffment, with livery of seisin thereon indorsed, bearing date the fourteenth day of *November* in the year of our Lord one thousand seven hundred and thirty seven, and made, or mentioned to be made, between the said late duke of *Atholl* of the one part, the right honourable *John late earl of Dunmore*, and the right honourable *William now lord Mansfield*, by the name and description of the honourable *William Murray of Lincoln's Inn London* esquire, and *John Murray* of the city of *Edinburgh* esquire (since deceased) of the other part, the said *James duke of Atholl* did grant, bargain, sell, alien, enfeoff, and confirm unto the said *John earl of Dunmore*, and *William now lord Mansfield*, and *John Murray*, all the said island, castle, pele, and lordship of *Man*, and all other the premises therein and herein more particularly mentioned and described, except as before excepted; to be had and holden to the said *John earl of Dunmore*, *William now lord Mansfield*, and *John Murray*, their heirs and assigns for ever, upon the trusts, and to and for the intents and purposes, therein mentioned and declared, of and concerning the same; in which said indenture or deed of feoffment a power was reserved to the said *James duke of Atholl*, by any deed or deeds, or by his last will and testament, executed and attested as is therein mentioned, to revoke and make void all and every or any of the said trusts, directions, declarations, and agree-

agreements, and to declare, limit, or appoint, any farther, other, or different trusts, uses, or directions thereof, or of so much thereof as should be so revoked and made void, with or without power of revocation, as to the said duke should seem proper: and whereas by indenture bearing date the fourth day of *May*, one thousand seven hundred and forty eight, and expressed to be made between the same parties as are parties to the last recited indenture, the said *James* duke of *Atholl*, in pursuance of the powers in him vested, did revoke and make void all and every the said trusts, directions, declarations, and agreements, contained in the said recited indenture or deed of feoffment of the fourteenth day of *November*, one thousand seven hundred and thirty seven, of and concerning the said island, castle, pele and lordship of *Man*, and all other the premisses; and did direct, limit, and appoint, that the said *John* earl of *Dunmore*, *William* now lord *Mansfield*, and *John* *Murray*, and their heirs and assigns; should stand seised of the premisses upon such other trusts, and to and for such intents and purposes, as therein are mentioned and declared of and concerning the same; in which said indenture was also reserved to the said duke of *Atholl*, a like power of revocation, with authority to declare, limit, or appoint, any farther, other, or different trusts or directions of the same, or any part thereof, with or without power of revocation, as to him should seem proper: and whereas by one other indenture or deed of feoffment, with livery of seisin thereon indorsed, bearing date the sixth day of *April*, in the year of our Lord one thousand seven hundred and fifty six, and made, or mentioned to be made, between the said *James* duke of *Atholl* of the first part; the said *William* now lord *Mansfield*, by the name and description of the honourable *William* *Murray* of *Lincoln's Inn* in the county of *Middlesex* esquire his Majesty's attorney general, of the second part, and the most noble *Archibald* late duke of *Argyle*, the right honourable *David* lord viscount *Stormont*, and *John* *Sharpe* of *Lincoln's Inn* in the county of *Middlesex* esquire, since deceased, of the third part; reciting (amongst other recitals therein contained) that proposals had, from time to time, been made to the said *James* duke of *Atholl* on the part of the King's majesty that then was, in order to purchase of the said duke of *Atholl* the said isle and territories of *Man*, and other the hereditaments and premisses therein mentioned; and that the said duke, though reluctant to alien so honourable a principality from his family, had always been ready to submit to his Majesty's will and pleasure therein, who had never proposed to purchase but upon paying a full and adequate consideration for the same; but that it was uncertain whether any such sale would be made of the said isle, hereditaments and premisses, in the life-time of the said duke of *Atholl*; and that therefore he the said duke was minded and desirous that the same should be settled, assured and conveyed, upon such trusts, and to and for such intents and purposes, as therein and herein after are expressed; the said *James* duke of *Atholl*, in pursuance of the powers reserved to him by

the said last-mentioned indenture, and of all other powers to him given in that behalf, did revoke and make void all and every the trusts, declarations and agreements, in the said indenture contained concerning the said isle, castle, pele, lordship and territories of *Man*, and all other the premisses as aforesaid; and further the said *James* duke of *Atholl*, and also the said *William* now lord *Mansfield*, by the direction and appointment of the said duke, did grant, bargain, sell, alien, infeoff and confirm, unto the said *Archibald* duke of *Argyle*, *David* lord viscount of *Stormont*, and *John Sharpe* esquire, the said isle, castle, pele, lordship and territories of *Man*, with the rights, royalties, members, dependencies, jurisdictions and appurtenances thereof, or thereunto belonging, and all and singular other the hereditaments and premisses aforesaid, to be had and holden unto the said *Archibald* duke of *Argyle*, *David* lord viscount of *Stormont*, and *John Sharpe*, their heirs and assigns for ever, of our sovereign lord the King, his heirs and successors, by the rents, tenures, suits and services, by which the said *James* duke of *Atholl*, and *William* now lord *Mansfield*, or either of them, then held the same; upon trust (among other things) after the decease of the said *James* duke of *Atholl*, that they the said *Archibald* duke of *Argyle*, *David* lord viscount of *Stormont* and *John Sharpe*, and the survivors of them, their nominees and assigns, should, at any time thereafter, with the consent and approbation of the person or persons who, after the death of the said *James* duke of *Atholl*, should, by virtue of the trusts therein expressed, be, from time to time, intitled to the actual receipt of the rents, revenues and profits, of the said isle and premisses (such person and persons being then of the age of twenty one years) sell and convey, or release and surrender the said isle, castle, pele, lordship and territories of *Man*, and other the trusted premisses (whereof no appointment should have been made by the said *John* duke of *Atholl* in his life-time, pursuant to a power to him therein reserved and mentioned unto the King's majesty, his heirs or successors, for such price in ready money as they could reasonably get, and should judge to be a proper equivalent and adequate consideration for the same; and should, with such consent and approbation as aforesaid, lay out and invest the money to arise by the sale and disposition thereof, in the purchase of lands of inheritance in that part of *Great Britain* called *Scotland*; and after such purchase or purchases made, should convey, settle and entail the lands so to be purchased, with all the proper prohibitive, irritant and resolute clauses, so as the same might be effectually limited and unalienably intailed, as far as the rules of the law of *Scotland* would permit, to, upon and for, such persons, uses, intents and purposes, as are therein declared concerning the same; that is to say, to the heirs male of the body of the said *James* duke of *Atholl*, remainder to the heirs female of the body of the said *James* duke of *Atholl* (the eldest heir female always succeeding without division, and excluding heirs portioners) remainder to the most noble *John* now duke of *Atholl*,
by

by the name and description of *John Murray of Strouan* in Scotland esquire, nephew of the said *James* duke of *Atholl*, and husband of the right honourable the lady *Charlotte Murray*, the only daughter then living of the said *James* duke of *Atholl* (now dutchess of *Atholl* and baroness *Strange*) and the heirs male of his body, with like remainders to *James* and *George Murray* esquires, brothers of the said *John* now duke of *Atholl*, successively, and the heirs male of their respective bodies, with divers other remainders over in tail male, remainder to the heirs and assigns of the said *James* duke of *Atholl* whatsoever, with power to the trustees (with the consent of the person or persons who would have been intitled to the receipt of the rents and profits of the premises, in case there had been no sale) to place out the money arising by such sale on real securities in Scotland, or in any other part of *Great Britain*, or in the purchase of stocks in the publick companies, or in the publick funds, or upon government securities, and to call in and place out the same again upon new or other securities of the like nature, the yearly interest and dividends whereof should be paid to such person or persons as, for the time being, would be intitled to be in the actual receipt of the rents and profits of the lands thereby directed to be purchased in Scotland, in case the same had been so purchased, settled and entailed as aforesaid; and with power also to the surviving trustees, in case of the death of any of them, to re-enclose other trustees to the same uses; and likewise with power to the said *James* duke of *Atholl*, by deed or will to be by him executed, and attested as therein mentioned, to revoke or alter all or any the uses and trusts therein expressed, of or concerning the premises, or any part thereof, and to limit and appoint any new and further uses and directions thereof, as to him should seem meet: and whereas by a certain other indenture or deed of feoffment, with livery and seisin thereon endorsed, bearing date on or about the twenty first day of *November*, which was in the year of our Lord one thousand seven hundred and sixty one, and made, or mentioned to be made, between the said *James* duke of *Atholl* of the first part, the said *David* lord viscount *Stormont* of the second part, the said *John* now duke of *Atholl* of the third part, *John Wood* esquire governor and commander in chief of the said isle of *Man* of the fourth part, Sir *Charles Frederick* knight of the most honourable order of the *Bath*, and *Edmund Hoskins* of *Lincoln's Inn* in the county of *Middlesex* esquire, of the fifth part, and the right honourable *George* earl of *Aberdeen* of the sixth part, reciting, that the said *Archibald* duke of *Argyle* and *John Sharpe*, were both dead, and that several proposals had been made to the said *James* duke of *Atholl* for the purchase of the several rectories, impropriations, and tythes, within the said isle, part of the trusted premises; and that to facilitate the sale thereof, he was determined to revoke all the trusts of the said rectories, impropriations and tythes, declared by the said last recited indenture or deed of feoffment; and further reciting, that the said *David* lord viscount *Stormont*

had, with the privity and approbation of the said *James* duke of *Atholl*, nominated the said *Sir Charles Frederick* and *Edmund Hoskins*, to supply the place of the said *Archibald* duke of *Argyle* and *John Sharpe*, in the execution of such of the trusts in the said last recited indenture as were not revoked, or intended so to be by the said indenture, he the said *James* duke of *Atholl* did revoke, determine and make void, all the trusts before declared concerning the said rectories, impropriations and tythes; and the said *James* duke of *Atholl*, and the said *David* lord viscount *Stormont* by his direction and appointment, did grant and enfeoff the same to the said *John* now duke of *Atholl*, upon the trusts therein mentioned: and as concerning the said isle, lordship and territory of *Man*, and all other the premises (other than the said rectories, impropriations and tythes) the said *James* duke of *Atholl*, and the said *David* lord viscount *Stormont* by his direction and appointment, did grant and enfeoff the same to the said *John Wood*, his heirs and assigns, to the intent that he and they should re-enfeoff the same to the said *David* lord viscount *Stormont*, *Sir Charles Frederick* and *Edmund Hoskins*, their heirs and assigns, upon the trusts, and for the intents and purposes, and under the limitations in the said last recited indenture or deed of feoffment, of the sixth day of *April* one thousand seven hundred and fifty six, declared concerning the same; in which said indenture was also contained a further power of revocation: and whereas the said *John Wood* did, by a certain deed poll by him duly executed, bearing date the eighth day of *July* one thousand seven hundred and sixty two, re-enfeoff accordingly the said isle, castle, pele and lordship, and other the premises last mentioned, unto the said *David* lord viscount *Stormont*, *Sir Charles Frederick* and *Edmund Hoskins*, and their heirs: and whereas the said *James* duke of *Atholl* departed this life on or about the eighth day of *January* in the year one thousand seven hundred and sixty four, without revoking or altering the said last recited indenture of feoffment, leaving the said *Charlotte* (wife of the said *John* now duke of *Atholl*) now dutchess of *Atholl* and baroness *Strange*, his daughter and only child; and thereupon they the said now duke and dutchess of *Atholl* became intitled to the said isle, castle, pele and territories of *Man*, and other the hereditaments and premises (the said rectories, impropriations and tythes excepted) under and by virtue of the said recited indentures of feoffment, and according to the estate and interest thereby limited to them respectively therein: and whereas a treaty having been set on foot between the right honourable the commissioners of his Majesty's treasury and the said *John* duke of *Atholl* and *Charlotte* dutchess of *Atholl* and baroness *Strange* his wife, for the sale of their estate and interest in the said island and premises, or such part thereof as should be found expedient to vest in his Majesty for the publick service, they the said duke and dutchess did, in their letter bearing date the twenty seventh day of *February* one thousand seven hundred and sixty five, and addressed to their lordships, inclose an abstract of the clear revenue of the

Ile of Man for ten years, from the year one thousand seven hundred and fifty four, to the year one thousand seven hundred and sixty three, both inclusive (a copy whereof is contained in the schedule annexed to this act) and did declare that they were ready, if it should be deemed necessary for the publick service, to part with all their rights held under the several grants of the *Ile of Man*; but apprehended, that the reservation of their landed revenue, together with the patronage of the bishoprick, and other ecclesiastical benefices in the island, could not interfere with the interest of the publick; and presumed, there could be no objection to their preserving the honourable distinction and service which their ancestors had so long enjoyed, and by which they held their rights in this island, of presenting the two falcons at the coronation; and notwithstanding the difficulty of proposing a proper compensation (which might expose them to the imputation of making an unreasonable demand on the one hand, and of not doing sufficient justice to their family on the other) yet, as the circumstances of the case had made it necessary, they did therefore hope, that neither his Majesty, nor the parliament, would think the clear sum of seventy thousand pounds too great a price to be paid them, in full compensation for the absolute surrender of the isle, castle and pele of *Man*, and all rights, jurisdictions and interests, in or over the said island, and all its dependencies, holden under the several grants thereof, or under any other title whatsoever, reserving only their landed property, with all their rights in and over the soil as lords of the manor, with all courts baron, rents, services and other incidents to such courts belonging, their wastes, commons and other lands, inland waters, fisheries and mills, and all mines, minerals and quarries, according to their present rights therein, felons goods, deodands, waifs, estrays and wrecks at sea, together with the patronage of the bishoprick, and of the other ecclesiastical benefices in the said island, to which they were then intitled, to be holden of the crown by the honourable service above-mentioned: and whereas by a certain contract or agreement in writing, bearing date the seventh day of *March*, in the year of our Lord one thousand seven hundred and sixty five, and duly executed under the hands and seals of four of the commissioners of his Majesty's treasury of the one part, and the said duke and dutchess of *Atboll*, Sir *Charles Frederick* and *Edmund Hoskins* of the other part, the said commissioners of the treasury contracted and agreed with the said duke and dutchess of *Atboll*, and the said Sir *Charles Frederick* and *Edmund Hoskins* their trustees, for the absolute purchase of the said island of *Man*, with its dependencies, except as therein is excepted, for the said price or sum of seventy thousand pounds of lawful money of *Great Britain*, to be paid in the manner, and at the time, therein mentioned: and whereas the said *David* lord viscount *Stormont* is now resident at *Vienna*, in the character of his Majesty's ambassador extraordinary at that court; and whereas the said contract and agreement cannot be effectually established and

Upon payment by his Majesty into the bank of 70,000l. on or before 1 June, 1765, in the names of the duke and duchess of Atholl, Sir Cha. Frederick and Edm. Hoskins,

the isle of Man, and the islands, &c. thereunto appertaining, &c.

to vest unalienably in the crown.

Cashier's receipt, testifying the payment of the said sum,

carried into execution, without the authority of parliament: "be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That from and immediately after the payment into the bank of *England* by his Majesty, his heirs or successors, in the names of the said *John* duke of *Atholl*, and *Charlotte* duchess of *Atholl* his wife baroness *Strange*, Sir *Charles Frederick* and *Edmund Hoskins*, or the survivors or survivor of them, of the sum of seventy thousand pounds of lawful money of *Great Britain*, free and clear of all taxes, impositions, fees, rewards and other deductions whatsoever, on or before the first day of *June* in the year of our Lord one thousand seven hundred and sixty five (to be by them the said *John* duke of *Atholl*, and *Charlotte* his wife baroness *Strange*, Sir *Charles Frederick* and *Edmund Hoskins*; or the survivors or survivor of them, and the executors and administrators of such survivor, paid, applied, and disposed of, for the uses, intents and purposes, expressed and contained in the said indenture or deed of feoffment, bearing date the sixth day of *April*, one thousand seven hundred and fifty six) the said island, castle, pele and lordship of *Man*, and all the islands and lordships to the said island of *Man* appertaining, together with the royalties, regalities, franchises, liberties, and sea ports, to the same belonging, and all other the hereditaments and premises comprized, mentioned and granted, in the said letters patent, bearing date respectively the sixth day of *April* in the seventh year of the reign of King *Henry* the Fourth, the twenty eighth day of *June* in the seventh year of the reign of King *James* the First, and the second day of *May*, in the eighth year of the reign of the same King *James* the First, and the said statute or act of parliament made in the said eighth year of the reign of the said King *James* the First, and every or any of them (except as herein after is excepted) shall be, and they are hereby, unalienably vested in his Majesty, his heirs and successors, freed and discharged, and absolutely acquitted, exempted and indemnified, of, from and against all estates, uses, trusts, entails, reversions, remainders, limitations, charges, incumbrances, titles, claims and demands whatsoever, from, by or under the said letters patent and act of parliament, and every or any of them, or from, by or under any other means, right or title whatsoever, as fully, freely and intirely, as if the said letters patent and act of parliament, and the estates, interests, hereditaments and premises therein, or in any of them comprized, mentioned and granted, were herein again transcribed and repeated.

II. And be it further enacted by the authority aforesaid, That the receipt or receipts of the proper clerk or cashier, clerks or cashiers of the governor and company of the bank of *England*, under his or their hand or hands respectively, testifying the payment of the said sum of seventy thousand pounds, or any part thereof, by the said commissioners of the treasury, or such person or persons as they, or any three of them, shall order

der and direct to pay the same, into the said bank of *England*, in the names of the said duke and duchess of *Atholl*, Sir *Charles Frederick* and *Edmund Hoskins*, or the survivors or survivor of them, shall be a sufficient discharge to his Majesty, his heirs and successors, of and for the said sum of seventy thousand pounds, or so much thereof as such receipt or receipts shall be given for; and that his Majesty, his heirs and successors, upon and after such receipt or receipts given as aforesaid, shall be absolutely acquitted and discharged of and from the said monies, notwithstanding any subsequent loss, non-application or misapplication of the same, or any part thereof.

to be a sufficient discharge to his Majesty.

III. Provided always, That the lands which shall be purchased with the said sum of seventy thousand pounds, or any part thereof, pursuant to the trusts, intents and purposes, expressed and contained in the said indenture or deed of feoffment, bearing date the sixth day of *April* one thousand seven hundred and fifty six, and till such purchase shall be made, the said sum of seventy thousand pounds, or such part thereof as shall not be so invested in the purchase of lands as aforesaid, shall be and continue subject to such and the same estates, interests, rights, titles, claims and demands, and no other, as any person or persons, bodies politick or corporate, had and enjoyed at the time of the passing of this act, of, in, to or out of the said island, castle, pele and lordship of *Man*, or any other the hereditaments and premisses hereby vested in his Majesty, or could or ought to have had or enjoyed, in case this act had never been made.

The said sum, or the lands which shall be purchased therewith, pursuant to the trusts expressed in the deed of feoffment of 6 April, 1756, are to be subject to the same estates, &c. as the said island.

IV. Provided also, and it is hereby further declared and enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to vest in his Majesty, his heirs or successors, the patronage of the bishoprick of the said island of *Man*, or of the bishoprick of *Soder*, or of the bishoprick of *Soder* and *Man*, or the temporalities of the said bishoprick or bishopricks, whenever it or they shall become vacant; or the right of advowson, patronage, presentation, collation, donation, nomination or free disposition, of or to any archdeaconries, canonries, prebends, colleges, hospitals, churches, chapels, rectories, vicarages or other ecclesiastical benefices or promotions whatsoever, within the said island, lordship and territory of *Man*, or the dependencies thereof, or any hundreds, wapentakes, manors, towns, vills, churches, monasteries, abbies, priories, or the scites, circuits or precincts thereof, farms, messuages, houses, granges, tofts, cottages, curtilages, barns, stables, mills, dove-houses, orchards, fruiteries, gardens, lands, demesne lands, glebe lands, meadows, leasows, feedings, pastures, woodlands, woods, underwoods, copices, trees or the soil or ground thereof, wastes, void grounds, roads, paths, heathis, furzes, moors, marshes, mines of lead or iron or other base metals, collieries, quarries, inland waters; pools, fish ponds, watercourses, streams, rivulets, aqueducts, rents, arrearages of rent, rent services, rent charges, rents seek, rents reserved, annual farm rents, fee farm rents, rents of assize, annuities, her-

Reservation of patronage, and other rights not vested in the crown;

riots, services or works of tenants either free or customary, rectories, tythes or impropriations of tythes either great or small, predial, personal or mixed, portions of tythes, pensions, oblations, obventions, commons, frankfolds, estovers, commons of estovers, turbaries, ways, passages, easements, forcits, parks, liberties of parks, chases, lawns, warrens, assarts, purprestures, chiminages, hawkings, huntings, piscaries, fishings, fairs, fair days, markets, stallages, tolls, multures, waifs, estrays, deodands, wrecks of the sea, assize or assay of bread, wine or beer, fealties, reliefs, escheats, forfeitures, goods and chattels of traitors, felons, clerks convict, fugitives, persons convicted, attainted, condemned, outlawed, put in exigent or standing mote, suits of tenants, courts baron, profits or perquisites of courts baron, fines, amerciaments or any thing to courts baron appertaining, or any profits, commodities, advantages, emoluments or appurtenances, spiritual or temporal, to the said reserved and excepted premises, or any of them, belonging, incident, appendant or in any wise appertaining, or any interest therein in possession, remainder or reversion within the said island of *Man*, or any of the islands and dependencies to the same belonging; but that the same, and every part thereof, shall stand and be fully and clearly excepted and reserved out of this act, and all and every the provisions herein contained; and shall be, remain and continue, vested in such and the same person and persons, for such and the same estate or estates, and to and for such and the same uses, intents and purposes, as if this act had never been made; and shall be holden of his Majesty, his heirs and successors, by the said honorary service of rendering to his Majesty's heirs and successors, Kings and Queens of *England*, two falcons on the days of their respective coronations; and at and under the said yearly rent of one hundred and one pounds, fifteen shillings and eleven pence, to be paid at the receipt of his Majesty's exchequer at *Westminster*, in manner and form aforesaid.

but to be held
by usual ho-
norary ser-
vice;

and yearly
rent of 101l.
7s. 11d.

Publick act.

V. And be it further enacted by the authority aforesaid, That this act shall be deemed, adjudged and taken to be a publick act; and shall be judicially taken notice of as such, by all judges, justices, and all other persons whatsoever.

L E

his Act.

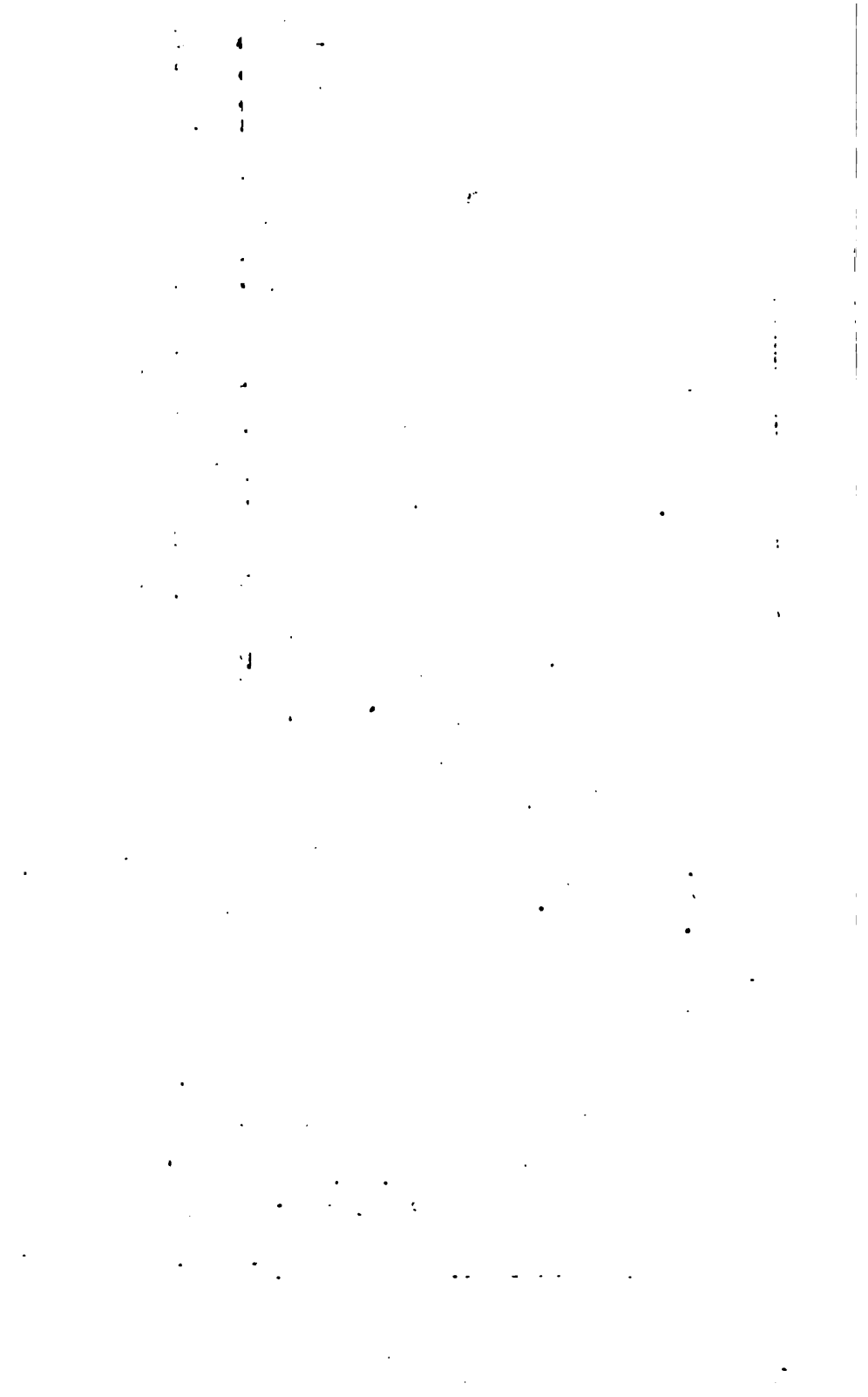
A Years, from the Year 1754 to the Year

Years.	Clear Revenue of the Abbey Temporalities.			The Income of Lands in the Hands of the Lord of the Isle, including the Rent of <i>Calf Isle</i> .			Total.		
1754	121	15		101	6	$6\frac{1}{4}$	7,905	17	7
1755	121	15		98	2	2	6,967	18	$2\frac{1}{4}$
1756	121	15		97	18	8	6,785	4	5
1757	121	15		102	15	11	7,270		$10\frac{1}{4}$
1758	121	15		99	6	8	7,170	6	5
1759	121	15		107	19	1	10,091	12	4
1760	121	15		135	4	2	9,606	18	$5\frac{1}{4}$
1761	121	15		106	8	9	11,596	10	$1\frac{1}{4}$
1762	121	15		107	8	9	8,486	9	$3\frac{1}{4}$
1763	121	15		107	8	9	9,204	8	9
$\frac{1}{2}$ 1,217 10 1,063 19 $5\frac{1}{4}$ 85,085 6 $6\frac{1}{4}$									

6 $6\frac{1}{4}$ Manks, £. 7 Manks makes £. 6
ey, £. 72,930 5 7 which, at a Me-

such other terms or conditions, as they should think fitting; and that upon the executing of such contracts or agreements by or on the behalf of the said earl, his tenants, the said *Henrietta Bridget Abburnham*, or such other person or persons claiming or to claim under him, or any of his ancestors as aforesaid, or upon executing such other conveyances, assignments, releases, or surrenders, as in such contract or contracts should be agreed on for that purpose, it should and might be lawful to and for the said commissioners of the treasury then or for the time being, or any three or more of them, or the lord high treasurer for the time being, and they were thereby impowered, by and out of any monies arisen or to arise to his Majesty, his heirs, or successors, of or for any customs, subsidies, impositions, or other duties, upon the importation or exportation of any goods or merchandizes whatsoever, already granted or payable, or thereafter to be granted or payable to his Majesty, his heirs or successors, in *Great Britain, Wales, or Berwick upon Tweed*, to order and direct the payment of such sum or sums of money, from time to time, as should be so contracted or agreed on for such purchase or purchases, to such person or persons as, according to the terms of such contracts or agreements, should be intitled to have and receive the same: and whereas the most noble *James late duke of Atholl*, as right heir of the said *James lord Stanley*, on failure of heirs male of the body of the said *William earl of Derby* by the death of the said *James late earl of Derby*, became seized to him and his heirs of the said island, castle, pele, and lordship of *Man*, and all other the premises aforesaid, except the mines royal so revested in the crown as aforesaid; and by a certain indenture or deed of feoffment, with livery of seisin thereon indorsed, bearing date the fourteenth day of *November* in the year of our Lord one thousand seven hundred and thirty seven, and made, or mentioned to be made, between the said late duke of *Atholl* of the one part, the right honourable *John late earl of Dunmore*, and the right honourable *William now lord Mansfield*, by the name and description of the honourable *William Murray of Lincoln's Inn London esquire*, and *John Murray of the city of Edinburgh esquire* (since deceased) of the other part, the said *James duke of Atholl* did grant, bargain, sell, alien, enfeoff, and confirm unto the said *John earl of Dunmore*, and *William now lord Mansfield*, and *John Murray*, all the said island, castle, pele, and lordship of *Man*, and all other the premises therein and herein more particularly mentioned and described, except as before excepted; to be had and holden to the said *John earl of Dunmore*, *William now lord Mansfield*, and *John Murray*, their heirs and assigns for ever, upon the trusts, and to and for the intents and purposes, therein mentioned and declared, of and concerning the same; in which said indenture or deed of feoffment a power was reserved to the said *James duke of Atholl*, by any deed or deeds, or by his last will and testament, executed and attested as is therein mentioned, to revoke and make void all and every or any of the said trusts, directions, declarations, and agree-

agreements, and to declare, limit, or appoint, any farther, other, or different trusts, uses, or directions thereof, or of so much thereof as should be so revoked and made void, with or without power of revocation, as to the said duke should seem proper: and whereas by indenture bearing date the fourth day of *May*, one thousand seven hundred and forty eight, and expressed to be made between the same parties as are parties to the last recited indenture, the said *James* duke of *Atholl*, in pursuance of the powers in him vested, did revoke and make void all and every the said trusts, directions, declarations, and agreements, contained in the said recited indenture or deed of feoffment of the fourteenth day of *November*, one thousand seven hundred and thirty seven, of and concerning the said island, castle, pele and lordship of *Man*, and all other the premisses; and did direct, limit, and appoint, that the said *John* earl of *Dunmore*, *William* now lord *Mansfield*, and *John Murray*, and their heirs and assigns, should stand seised of the premisses upon such other trusts, and to and for such intents and purposes, as therein are mentioned and declared of and concerning the same; in which said indenture was also reserved to the said duke of *Atholl*, a like power of revocation, with authority to declare, limit, or appoint, any farther, other, or different trusts or directions of the same, or any part thereof, with or without power of revocation, as to him should seem proper: and whereas by one other indenture or deed of feoffment, with livery of seisin thereon indorsed, bearing date the sixth day of *April*, in the year of our Lord one thousand seven hundred and fifty six, and made, or mentioned to be made, between the said *James* duke of *Atholl* of the first part; the said *William* now lord *Mansfield*, by the name and description of the honourable *William Murray* of *Lincoln's Inn* in the county of *Middlesex* esquire his Majesty's attorney general, of the second part, and the most noble *Archibald* late duke of *Argyle*, the right honourable *David* lord viscount *Stormont*, and *John Sharpe* of *Lincoln's Inn* in the county of *Middlesex* esquire, since deceased, of the third part; reciting (amongst other recitals therein contained) that proposals had, from time to time, been made to the said *James* duke of *Atholl* on the part of the King's majesty that then was, in order to purchase of the said duke of *Atholl* the said isle and territories of *Man*, and other the hereditaments and premisses therein mentioned; and that the said duke, though reluctant to alien so honourable a principality from his family, had always been ready to submit to his Majesty's will and pleasure therein, who had never proposed to purchase but upon paying a full and adequate consideration for the same; but that it was uncertain whether any such sale would be made of the said isle, hereditaments and premisses, in the life-time of the said duke of *Atholl*; and that therefore he the said duke was minded and desirous that the same should be settled, assured and conveyed, upon such trusts, and to and for such intents and purposes, as therein and herein after are expressed; the said *James* duke of *Atholl*, in pursuance of the powers reserved to him by



C A P. XXVII.

An act to provide for the administration of the government, in case the crown should descend to any of the children of his Majesty, being under the age of eighteen years; and for the care and guardianship of their persons.

Most gracious Sovereign,

WHEREAS your Majesty, from a tender concern for your Preamble, faithful subjects, and anxious desire to provide for every possible event which may affect their future happiness or security, hath been graciously pleased to communicate from the throne to both houses of parliament, that your Majesty's late indisposition (which filled the breasts of all your subjects with the most alarming apprehensions) had led your Majesty to consider the situation in which your kingdoms and your family might be left, if it should please God to put a period to your Majesty's life, whilst your successor is of tender years; and that the high importance of this subject to the publick safety, good order and tranquility, the paternal affection which your Majesty bears to your children and to all your people, and your earnest desire that every precaution should be taken which may tend to preserve the constitution of Great Britain undisturbed, and the dignity and lustre of its crown unimpaired, had determined your Majesty to lay this weighty business before your parliament; to whose most serious deliberation your Majesty was pleased to recommend the making such provisions as would be necessary, in case any of your children should succeed to the throne before they should respectively attain the age of eighteen years; and to this end, your Majesty was also pleased to propose to their consideration, whether under the present circumstances, it would not be expedient to vest in your Majesty the power of appointing, from time to time, by instruments in writing under your sign manual, either the Queen or any other person of your royal family, usually residing in Great Britain, to be the guardian of the person of such successor, and the regent of these kingdoms, until such successor shall attain the age of eighteen years; subject to the like restrictions and regulations as are specified and contained in an act passed upon a similar occasion, in the twenty fourth year of the reign of his late Majesty your royal grandfather; and that the regent so appointed should be assisted by a council of regency, to be established by authority of parliament: and whereas in return for this paternal goodness, expressed in so early and provident a care for an event so truly deplorable, and being filled with the most cordial sense of duty and gratitude to your Majesty, for the tender concern and regard which your Majesty has always, and now more especially, demonstrated for the happiness of your people, and the lasting security of their religion, laws and liberties, we have taken this important business into our most serious consideration; and being justly alarmed at the unhappy situation in which these kingdoms and your Majesty's royal family would be left, in case it should please Almighty God to put a period to your Majesty's inestimable life (for the long and glorious continuance of which we offer up our daily and most
fer-

feruent prayers to heaven) before your royal successor shall be of sufficient years to support the weight of government; and being likewise thoroughly convinced of the wisdom and expediency of what your Majesty has thought fit to propose upon this weighty occasion, are fully and zealously determined to contribute every thing in our power to the firm and lasting establishment of the protestant succession, as settled by the laws of the land, in your Majesty's royal family, the auspicious increase of which we consider as the bulwark of our civil and religious liberties, and the pledge of perpetual security to the laws and constitution of Great Britain: we therefore your Majesty's most dutiful and loyal subjects, the lords spiritual and temporal, and commons in parliament assembled, do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That whensoever and as often as the imperial crown of this realm shall descend to his royal highness *George Augustus Frederick* prince of *Wales*, the eldest son of his present Majesty (whom God long preserve) or to any other of the children of his present Majesty, now born or hereafter to be born, if at the respective times of such descent, his said royal highness *George Augustus Frederick* prince of *Wales*, or such other of the said children succeeding to the crown as aforesaid, shall be under the age of eighteen years, such person (subject to the restrictions herein after-mentioned) as his present Majesty, by three instruments under his royal sign manual, revocable, from time to time, at his will and pleasure (to be sealed and deposited in such manner and with such persons as herein after-mentioned) shall nominate and appoint, shall be the guardian, and have the care, tuition and education of the person of his said royal highness *George Augustus Frederick* prince of *Wales*, or such other successor as aforesaid, until his said royal highness or such other successor shall have attained his or her respective age of eighteen years; and that such guardian shall, till his said royal highness, or such other successor, shall have attained such respective age, have the disposition, ordering, and management, of all matters and things relating to the said care, tuition, and education; and that such person so nominated and appointed as aforesaid, shall, during such time as his said royal highness *George Augustus Frederick* prince of *Wales*, or such other successor as aforesaid, shall respectively be under the said age of eighteen years, and no longer, have full power and authority, in the name of his said royal highness, or such other successor, and in his or her stead, and under the stile and title of *Regent of the kingdom*, to exercise and administer, according to the laws and constitution of *Great Britain*, the regal power and government of this realm, and of all the dominions, countries, and territories, to the crown of *Great Britain* belonging; and shall use, execute, and perform, all prerogatives, authorities, and acts of government, and administration of government, which belong to the King or Queen of this realm

Power vested in his Majesty of appointing, from time to time, by three instruments under his sign manual, a guardian to his successor, in case the crown shall descend to any of his children being under the age of eighteen years.

Such guardian to have the care of and management of the tuition of the person of such minor,

and to execute the office of regent of the kingdom;

realm to use, execute, and perform, according to the laws thereof; but in such manner, and subject to such conditions, restrictions, limitations, and regulations, as are herein after for that purpose specified, mentioned, and contained.

II. Provided always, and be it further enacted by the authority aforesaid, That no person shall be capable of being so nominated and appointed to be guardian and regent as aforesaid, other than and except her present Majesty our most gracious Queen *Charlotte* his Majesty's royal consort, or her royal highness *Augusta* princess dowager of *Wales*, or other than and except some one person of his Majesty's royal family, descended from the late King his Majesty's royal grandfather, whose usual residence, at the time of passing this act, shall have been, and from thenceforth, until such nomination and appointment, shall continue to be, in *Great Britain*.

III. Provided nevertheless, That it shall and may be lawful for his Majesty to nominate and appoint, in and by such instruments as aforesaid, any number of persons, under the restrictions aforesaid, (as to his royal wisdom shall seem meet) severally to succeed each other in the guardianship and regency aforesaid, by way of substitution, in case the person or persons first nominated and appointed shall happen to die, during such time as his said royal highness, or such other successor as aforesaid, shall respectively be under the age of eighteen years; but so as that no more than one person shall at any one time be intitled to such guardianship and regency as aforesaid.

IV. Provided always, and be it enacted by the authority aforesaid, That no person so nominated and appointed to be guardian and regent as aforesaid, shall be capable of succeeding to, or holding such office of guardian and regent, unless the usual residence of such person, from the time of such nomination and appointment, to the time of his or her succeeding to such office of guardian and regent, shall continue to be in *Great Britain*; and in case any person shall become so disqualified by non-residence as aforesaid, or in case any person so nominated and appointed as aforesaid, who shall have succeeded to, and shall be in the actual exercise of, the said office of guardian and regent, shall not afterwards continue to be resident in *Great Britain*; or in case any person so nominated and appointed to be guardian and regent as aforesaid, shall at any time marry a papist; then, and in every such case, such nomination and appointment of the said person shall cease and determine in the same manner as if such person were naturally dead.

V. And be it further enacted by the authority aforesaid, That the said three instruments of nomination and appointment being sealed up under three several covers with any seal which his Majesty shall think fit to make use of for that purpose, shall each be sealed also with the several seals of the archbishop of *Canterbury* for the time being, of the lord chancellor or lord keeper or the first commissioner named in any commission then

and to be either the Queen, or princess dowager of *Wales*, or one of the descendants of the late King, usually residing in *Great Britain*.

A number in succession, by way of substitution, in case of death, may be nominated to succeed in the guardianship and regency; but no more than one person may act as such at one time.

And any such persons are disqualified to act as guardians and regents by non-residence,

or by marrying a papist.

Instruments of nomination to be sealed with the King's seal; and the seals of the archbishop of *Canterbury*, lord

chancellor, and president of the council; and to be severally deposited with them:

But upon the revocation or alteration of such instruments by the King; or death of any of the depositaries, they are to be delivered up;

as likewise, in case of removal of any of the said officers of state;

and on the demise of the King, during such minority, the privy council is to assemble, and the said instruments to be there produced and read.

Person guilty of opening any of the said instruments, without his Majesty's order, or refusing to deliver up the same to the privy council, incurs the penalties of premunire. One of the instruments being produced, deemed effectual to give authority to

subsisting for the custody of the great seal of *Great Britain* for the time being, and of the president of the council for the time being; and one of the said instruments shall be lodged and deposited in the hands of the said archbishop for the time being, another in the hands of the said lord chancellor or lord keeper or first commissioner for the custody of the great seal for the time being, and the third in the hands of the said president of the council for the time being: and if his Majesty shall be willing to revoke or alter his nomination or appointment made as aforesaid, and shall by three writings, under his hand and seal, require the said instruments so deposited as aforesaid, to be delivered up to some person or persons thereby authorized to receive the same, then, and in such case, the persons with whom the said instruments shall be deposited as aforesaid, and every of them, and in case of the deaths of any of them, their executors and administrators respectively, and every other person in whose custody any of the said instruments shall happen to be, shall deliver up the same accordingly; and in case the said archbishop of *Canterbury*, or the said lord chancellor, lord keeper, or first commissioner for the custody of the great seal, or the said president of the council, shall die, or be removed from their said offices, before the re-delivery of such instruments as aforesaid, the persons so removed, and the executors and administrators of the person so dying, and every person in whose custody such instrument shall happen to be, shall deliver the same with all convenient speed to the successor or successors of the person so dying or being removed: and after the demise of his Majesty, whensoever and as often as such successor or successors respectively shall be under the age of eighteen years, the said three persons, their executors or administrators, and all other persons in whose custody the said instruments shall then be, shall immediately bring the same before the privy council then existing, which it is hereby enacted shall be forthwith, on such demise, assembled; and such instruments shall be there opened and read, and presently afterwards enrolled in the high court of chancery.

VI. And be it further enacted by the authority aforesaid, That if any of the said persons with whom the said instruments shall be so deposited, or any of their executors or administrators, or any other person having the custody thereof, shall open any of the said instruments in the life of his present Majesty, without his Majesty's order; or shall wilfully neglect or refuse to produce and deliver the same to the privy council; every person so offending, neglecting, or refusing, shall incur the pains and penalties of premunire inflicted by the statute of premunire made in the sixteenth year of the reign of King *Richard* the Second.

VII. And be it further enacted by the authority aforesaid, That if all the said three instruments shall not be produced before the said privy council as aforesaid; then any one or two of the said instruments so produced, shall be effectual to give such autho-

authority as aforesaid to the person and persons successively therein respectively named. the person nominated regent.

VIII. And be it further enacted by the authority aforesaid, That all acts of regal power, prerogative, government, or administration of government, of what nature or kind soever, which shall be done or executed by any King or Queen so succeeding as aforesaid, under his or her respective age of eighteen years, during the regency established by this act, otherwise than by and with the consent and authority of the said regent, in the manner, and according to the directions of this act set forth and prescribed; shall be absolutely null and void to all intents and purposes. All acts of regal power, done otherwise than by consent and authority of the regent, declared void.

IX. And be it further enacted by the authority aforesaid, That in order to assist the said regent in the administration of the government, there shall be, during the time that such successor or successors respectively shall be under the age of eighteen years, a council to be called *The Council of Regency*, which shall consist of their royal highnesses his Majesty's brothers *Edward Augustus* duke of *York* and *Albany*, *William Henry* duke of *Gloucester* and *Edinburgh*, prince *Henry Frederick*, and prince *Frederick William*, and his royal highness his Majesty's uncle *William Augustus* duke of *Cumberland* (the said prince *Henry Frederick* and prince *Frederick William* to be members of the said council of regency when they shall respectively attain the age of twenty one years, and not sooner) and also of the persons and officers following; that is to say, the archbishop of *Canterbury* for the time being; the lord chancellor or lord keeper, or the first commissioner named in any commission then subsisting for the custody of the great seal of *Great Britain* for the time being; the lord treasurer of *Great Britain*, or the first commissioner named in any commission then subsisting for executing that office for the time being; the lord president of the council for the time being; the lord privy seal for the time being; the lord high admiral of *Great Britain*, or the first commissioner named in any commission then subsisting for executing that office for the time being; the two principal secretaries of state for the time being; and the lord chief justice of the court of *King's* or *Queen's Bench* for the time being: and if it shall happen that all or any of their said royal highnesses *Edward Augustus* duke of *York* and *Albany*, *William Henry* duke of *Gloucester* and *Edinburgh*, prince *Henry Frederick*, prince *Frederick William*, and *William Augustus* duke of *Cumberland*, shall depart this life during the reign of his present Majesty; or if any of them shall be nominated and appointed by his Majesty, to be the said regent of the kingdom immediately on the demise of his Majesty, while such successor shall be under the age of eighteen years; then, and in any of such cases, it shall and may be lawful to and for his Majesty, by three instruments under his royal sign manual, revocable at his will and pleasure, from time to time, to nominate and appoint some one person, being a natural born subject of this realm, to be a member of the said council of regency, in the room or place of each and every of their said royal highnesses so dying, or being constituted

Council of regency established to assist the regent.

But if any of the King's brothers, or his uncle, shall die, during his Majesty's reign, or shall be nominated regent on his demise; his Majesty, by 3 instruments under his sign manual, sealed and deposited as aforesaid, and revocable at pleasure, may appoint some other person to be of the council;

and such instruments of nomination are to be produced unopened to the privy council.

The council is to meet as the regent shall direct; and five (where it is not otherwise specially provided) may act.

An oath of office is to be taken by the regent;

stituted immediate regent as aforesaid; which said three last mentioned instruments shall be sealed up and deposited in the same manner, and with the same persons, as is herein before directed with respect to the three first mentioned instruments which shall contain his Majesty's nomination and appointment of the regent aforesaid; and the person and persons with whom the said three last mentioned instruments shall be deposited, their executors and administrators, shall respectively keep, dispose of, and produce the same unopened, in such and the same manner, to such and the same persons, at such and the same times and places, and under such and the same penalties, as are herein before specified, directed, and enacted, with respect to the said three first mentioned instruments, which shall contain his Majesty's nomination and appointment of the regent aforesaid.

X. And be it further enacted by the authority aforesaid, That the said council of regency shall, from time to time, meet and sit as the said regent for the time being shall be pleased to direct; and that any five of the said council, but not any less number, being so assembled, shall be sufficient to act as such council of regency; and all acts to be done by a major part of the council so assembled, shall be deemed to be acts of the council of regency, excepting in such particular cases, wherein it is otherwise provided by this act.

XI. And be it further enacted by the authority aforesaid, That the said regent for the time being, before he or she shall act or enter upon the said office of regent, or within one calendar month after, shall take the following oath of office; that is to say,

I A. B. do solemnly promise and swear, That I will truly and faithfully execute the office of regent of the kingdom of Great Britain, according to an act of parliament made in the fifth year of the reign of his majesty King George the Third, intituled, An act to provide for the administration of the government, in case the crown should descend to any of the children of his Majesty, being under the age of eighteen years, and for the care and guardianship of their persons; and that I will administer the government of this realm, and of all the dominions thereunto belonging, according to the laws, customs, and statutes thereof; and will in all things, to the utmost of my power and ability, consult and maintain the safety, honour, and dignity, of his or her (as the case shall require) Majesty, and the welfare of his or her (as the case shall require) people.

So help me God.

and by each member of the council,

and each of the members of the said council of regency, and their successors, shall, before they shall respectively act in or enter upon their respective offices as members of the said council, take the following oath of office; that is to say,

I A. B. do solemnly promise and swear, That I will truly and faithfully serve his or her (as the case shall require) Majesty in the office

office of one of the council of regency, established by an act of parliament made in the fifth year of the reign of his majesty King George the Third, intituled, An act to provide for the administration of the government, in case the crown should descend to any of the children of his Majesty, being under the age of eighteen years, and for the care and guardianship of their persons; and that I will duly and faithfully execute the said office, according to the true intent and meaning of the said act; and that in all matters and things, which shall be moved, debated, and considered, in the council of regency, I will truly and faithfully declare my mind and opinion, according to my heart and conscience, and the best of my judgement; and will support, maintain, and defend the person, honour, crown, and dignity, of his or her (as the case shall require) Majesty, to the utmost of my power.

So help me God.

Each of which oaths shall be taken before the privy council then in being, who are hereby required and impowered to administer the same, and to enter the same in the council books.

XII. And be it further enacted by the authority aforesaid, That the said regent for the time being, and every person who shall be of the council of regency, by virtue of this act, and of the powers hereby given, shall be deemed and taken to be persons having and executing offices or places of trust within *England*, and take and subscribe such oaths, make and subscribe such declaration, and do all such acts as are required by the laws and statutes of this kingdom, to qualify persons to hold and continue in offices and places of trust, within such times, and in such manner, and under such pains, penalties, forfeitures, and disabilities, as in and by the said laws and statutes are required.

XIII. Provided nevertheless, and be it enacted by the authority aforesaid, That it shall be lawful for the said regent for the time being, to take and subscribe the said oaths, and make and subscribe such declaration, in and before the privy council, and the certificate of his or her having received the sacrament of the Lord's supper in any of the royal chapels, signed by the person administering the same, shall be registered in the said privy council; and such taking and subscribing the said oaths, and making and subscribing the said declaration, and taking the said sacrament, shall be to all intents and purposes as effectual, as if the same had been taken, made, and subscribed, in the manner now required by law, for the qualification of persons to hold and continue in offices and places of trust.

XIV. And be it further enacted by the authority aforesaid, That whensoever his present Majesty (whom God long preserve) shall happen to demise, leaving such successor as aforesaid under the age of eighteen years, the privy council for the kingdom of *Great Britain* in being at the time of such demise shall, with all convenient speed, assemble, and cause such next successor, intitled to the crown of *Great Britain*, by virtue of an act of the twelfth year of the reign of King *William* the Third (intituled,

to be administered by the privy council, and entered in the council books.

The regent and council are to qualify themselves as for offices and places of trust.

The regent taking and subscribing the oaths and declaration before the privy council; and receiving the sacrament in one of the royal chapels.

Upon his Majesty's demise, during the minority of his successor, the privy council is to meet, and cause such successor to be proclaimed.

ed, pursuant
to act 12
W. 3.

upon pain of
incurring the
penalties of
high treason.

The consent
of the majori-
ty of five or
more of the
council is ne-
cessary to
make good all
creations,
pardons,
gifts, grants,
dispositions,
instructions,
orders, or
authorities.

The regent
disabled to
make war or
peace; to ra-
tify treaties;
or to pro-
rogate, ad-
journ, or dis-
solve the par-
liament, with-
out the con-
sent of the
majority of
the council.
Nor may the
regent give
the royal as-
sent to any
act for alter-
ing the suc-
cession to the
crown,
as established
by act 12
W. 3.

An act for the further limitation of the crown, and better securing the rights and liberties of the subject) to be openly and solemnly proclaimed in the usual manner in *Great Britain and Ireland*; and that all and every member and members of the said privy council, wilfully neglecting or refusing to cause such proclamations to be made, shall be guilty of high treason, and suffer upon conviction thereof pains of death, and all other losses and forfeitures, as in cases of high treason.

XV. Provided always, and be it enacted by the authority aforesaid, That in the creation of all peerages of *Great Britain or Ireland*, in the pardoning of all crimes of high treason, and in the gift, grant, and disposition, of all archbishopricks and bishopricks in *England or Ireland*, and of the offices of lord chancellor, or lord keeper, or commissioners for the custody of the great seal of *Great Britain or Ireland*, of lord treasurer or treasurers of the exchequer, or commissioners for executing the office of treasurer of the exchequer, of lord president of the council, lord privy seal, lord high admiral, or commissioners for executing the office of lord high admiral, the principal secretaries of state, master of the rolls in *Great Britain and Ireland*, and of all the judges of the courts of *King's or Queen's Bench and Common Pleas*, and barons of the courts of *Exchequer in England and Ireland*; and of the judges of the court of *Session*, court of *Jusiciary*, and barons of the court of *Exchequer in Scotland*, and in the giving instructions, orders, and authorities, for the making any treaties with any foreign powers; the consent of the said council of regency, or the major part of any five or more of them so assembled as aforesaid, shall be necessary to make the said creations, pardons, gifts, grants, dispositions, instructions, orders, or authorities, good and effectual.

XVI. Provided also, and be it enacted by the authority aforesaid, That it shall not be lawful for the said regent for the time being, to make war or peace; to ratify any treaty with any foreign power; or to prorogue, adjourn, or dissolve, any parliament, without the consent of the major part of the whole council of regency then in being, and in *Great Britain*, in case there shall then be an unequal number in *Great Britain*; and if the number then in *Great Britain*, shall be an equal number then, without the consent of one half part of the said council; and that the said regent for the time being, either with or without the consent of the said council of regency, shall not give, or have power to give, the royal assent to any bill or bills in parliament, for repealing, changing, or in any respect varying from the order and course of succession to the crown of this realm, as the same stands now established in the illustrious house of *Hanover*, by the said act of the twelfth year of the reign of King *William the Third*, (intituled, *An act for the further limitation of the crown, and better securing the rights and liberties of the subject*) or to any act for repealing or altering the act made in the thirteenth year of the reign of King *Charles the Second* (intituled, *An act for the uniformity of publick prayers, and administration of sacraments, and other rites*

*rites and ceremonies; and for establishing the form of making, ordain- or for repeal-
ing, and consecrating, bishops, priests, and deacons, in the church of ing or altering
England) or one act of the fifth year of the reign of Queen Anne, the act of 13
made in Scotland (intituled, An act for securing the protestant reli- Car. 2.
gion and presbyterian church government.) or of 5 Annæ.*

XVII. Provided also, and be it further enacted by the autho- Members who
rity aforesaid, That the archbishop of *Canterbury*, or any other are appointed
person appointed by this act to be of the said council of regency, of the coun-
in virtue or by reason of his dignity or office, shall continue no cil, in virtue
longer of the said council than he shall continue in such his said n y or th.e,
dignity or office, and his successor in such dignity or office shall are to be no
become one of the said council; and that the lord chancellor or longer of the
lord keeper, or first commissioner for the custody of the great council, than
seal for the time being, the lord treasurer or first commissioner they continue
of the treasury for the time being, the lord president of the in such digni-
council for the time being, the lord privy seal for the time be- ty or office.
ing, the lord high admiral or first commissioner of the admiralty Great officers
for the time being, and the two principal secretaries of state for of state ap-
the time being, so appointed to be of the said council of regency pointed of the
by this act, shall continue in their said respective offices, after council, are to
such descent of the crown to any of the children of his Majesty, continue in
during the time that such King or Queen shall respectively re- their offices,
main under the age of eighteen years, as well after as before the in case of the
expiration of six months from the time of such descent, unless descent of the
removed by the said regent for the time being, with the consent crown during
of a major part of the whole council of regency then in being, such minori-
and in *Great Britain*, in case there shall then be an unequal ty, for six
number in *Great Britain*; and if the number then in *Great Bri- months after;
tain* shall be an equal number, then with the consent of one half unless remov-
part of the said council; or upon the address of both houses of ed by consent
parliament, in which latter case the said regent for the time be- of the major-
ing alone may remove any of the said officers against whom such rity of the
addresses shall be presented. council;
or upon ad-
dresses of both
houses of par-
liament.

XVIII. Provided nevertheless, That the archbishop of *Can- Archbishop of
terbury* for the time being, and the lord chief justice of the court *Canterbury*, &
of *King's or Queen's Bench* for the time being, notwithstanding lord chief
their remaining in such dignity and office respectively, may be justice of the
removed from being of the council of regency by the said regent for *King's Bench*,
the time being, with the consent of the major part of the coun- may be re-
cil of regency then in being, and in *Great Britain*, in case there moved, in
shall then be an unequal number in *Great Britain*; and if the like manner,
number then in *Great Britain* shall be an equal number, then from the
with the consent of one half part of the said council; or upon the council;
addresses of both houses of parliament; and that any other of as also any o-
the members of the said council not so appointed in virtue or by ther members
reason of their dignities or offices, may be removed likewise by who are not
the said regent for the time being, with the like consent; or up- constituted
on the addresses of both houses of parliament; and within two such in virtue
calendar months after such descent of the crown as aforesaid, in of their dig-
case any vacancy or vacancies of any of the said offices shall hap- nities or of-
pen then to be, and within the space of two calendar months fices.

by removal,
death, or re-
signation,

or by succeed-
ing to the of-
fice of regent,
or by death of
the King's
younger bro-
thers, being
under age,

are to be filled
up within
two months,
by the regent
and council.

Rights of the
privy council
reserved ;
and the re-
gent impow-
ered to sum-
mon and hold
the same as
usual ;
and members
of the re-
gency may be
also of the
privy council.
Upon descent
of the crown
to a minor,
the parliament
then in being
is to continue
for three
years ; unless
such successor
shall be sooner
of age ; or
such parlia-
ment be dis-
solved by the
regent with
consent of the
council ;
but if there
shall be no
parliament
then in being,
which shall

after every vacancy which shall happen by means of such removal, or by the death or resignation of any member of the said council of regency, or by any such member's succeeding to the office of regent, or by the death of either of their said royal highnesses prince *Henry Frederick*, and prince *Frederick William*, under the age of twenty one years, the said regent for the time being shall and is required, with the consent of the council of regency, or the major part of those present, not being less than five, to fill up such vacancy by the appointment of a new officer, where the vacancy happens by the death, removal or resignation, of one of the members of the said council so appointed in virtue or by reason of his dignity or office ; or by the appointment of a new member of the said council, being a natural-born subject of this realm, where the vacancy happens by the death or removal, or resignation of any member, not being one of the officers named in this act, or by any such member's succeeding to the office of regent, or by the death of either of their said royal highnesses prince *Henry Frederick*, and prince *Frederick William*, under the age of twenty one years, or by the resignation or removal of the archbishop of *Canterbury*, or of the lord chief justice of the *King's* or *Queen's Bench*, from being of the said council of regency.

XIX. Provided always, and be it enacted by the authority aforesaid, That nothing herein contained shall take away or prejudice the rights, authorities, powers, and jurisdictions, of the privy council ; but the said regent for the time being shall have full power to summon and hold, or to cause the same to be summoned and holden, in the usual manner ; and any of the members of the said council of regency may be and continue of the privy council also.

XX. And be it further enacted by the authority aforesaid, That whensoever, and as often as, the crown shall descend to such successor as aforesaid, being under the age of eighteen years, in case a parliament shall be then in being, which shall have met and sat, such parliament shall continue for three years, from the time of such descent, unless such successor, to whom the crown shall descend as aforesaid, shall sooner attain his or her age of eighteen years ; or such parliament shall be sooner dissolved by the said regent for the time being with the consent of a major part of the council of regency, then in being, and in *Great Britain*, in case there shall then be an unequal number in *Great Britain*, and if the number then in *Great Britain* shall be an equal number, then with the consent of one half part of the said council ; and in case at the time of such descent, there shall be no parliament in being, which shall have met and sat, then the last preceding parliament shall immediately convene and sit at *Westminster*, and be a parliament to continue for three years as aforesaid, to all intents and purposes, as if the same had never been dissolved ; unless such successor shall sooner attain his or her age of eighteen years, or such parliament shall be sooner dis-

dissolved by the said regent for the time being, with such consent as last mentioned.

liament is to convene, and sit for three years; except as before
 XXI. And be it further enacted by the authority aforesaid, That his royal highness *George Augustus Frederick* prince of *Wales*, in case the crown shall descend or come to him before his age of eighteen; or any other of the children of his Majesty, to whom the same shall descend before his or her age of eighteen years; shall not, during such regency, be married to any person whatsoever, without the consent of the said regent for the time being, and of a major part of the said council of regency then in being, and in *Great Britain*, in case there shall then be an unequal number in *Great Britain*, and if the number then in *Great Britain* shall be an equal number, then without the consent of one half part of the said council; and every marriage so had without such consent, shall be null and void to all intents and purposes; and every person who shall be acting, aiding, abetting, or concerned in obtaining, procuring, or bringing about, any such marriage, and the person who shall be so married to such King or Queen, under the age of eighteen years, shall be guilty of high treason, and suffer and forfeit as in cases of high treason.

XXII. And be it further enacted by the authority aforesaid, That in all cases where the members of the council of regency shall be equally divided in their voices, the said regent for the time being shall and may decide and determine the question or matter concerning which they shall be so equally divided, if such regent shall be pleased to give his or her own opinion thereupon.

XXIII. And be it further enacted by the authority aforesaid, That in all cases where the consent of a major or one half part of the said council of regency then in being, and in *Great Britain*, is by this act made necessary to the validity of any act, matter, or thing, such consent shall be signed by the respective members giving such consent in the council books; and that a clerk or clerks of the council of regency shall be appointed by the said regent for the time being; and such clerk or clerks shall provide books for entering the acts of such council, and shall enter the same duly and faithfully, and shall keep the said books, and shall be answerable for the same; and such clerk or clerks, before he or they enter upon the execution of their said office, shall take an oath before such council, for the due execution of such office or place respectively.

by the regent; and take an oath of office.

XXIV. And be it further enacted by the authority aforesaid, That all commissions, letters patent, orders, matters, and things, to be made, passed, had, or done, by the said regent for the time being, either with or without the consent of the said council of regency, in order unlawfully to set aside, change, or vary the order and method of government, and administration of the government settled by this act, during the time that such succe-

have met, and sat, the preceding paragraph excepted. Successor to the crown, being a minor, is not to be married during such minority, without consent of the regent and council; on pain of the marriage being void, and the persons therein incurring the penalty of high treason.

In cases of an equality of voices in the council, the regent is to decide. Where the consent of a majority, or one half part of the council is made necessary to the validity of any act, the members consenting there-to are to sign the same in the council books. Clerk of the council to be appointed

All commissions, &c. to set aside, or change, the orders of government settled by this act, during

the minority of the successor, are declared void; and the persons concerned therein incur the penalties of premunire.

for or successors respectively shall be under the age of eighteen years, shall be absolutely null and void to all intents and purposes; and every person advising, concurring, promoting, or assisting therein, shall incur the pains and penalties of *Premunire* inflicted by the said statute of *Premunire*.

C A P. XXVIII.

An act to empower the high court of Chancery to lay out, upon government securities, a sum of money therein mentioned, out of the common and general cash in the bank of England belonging to the suitors of the said court; and to apply the interest arising therefrom, towards augmenting the income of the masters of the said court.

Preamble.

WHEREAS by an act of parliament, passed in the twelfth year of the reign of his late majesty King George the First intituled, An act for relief of the suitors of the high court of Chancery, it was, amongst other things enacted, That all the money and cash then deposited in the Bank, or that should at any time thereafter be paid into or deposited in the bank, on the account of the suitors of the court of Chancery, or any of them, or by order of the said court, should be accounted and taken to be one common and general cash, and should be promiscuously issued and issuable when and as the court of Chancery should direct, for the answering, paying, and clearing, the debts and demands of any of the suitors of the said court: and whereas, from many years experience, it hath been found, that there always hath been, and there now is, a very large sum of money, belonging to the suitors of the court of Chancery, which lies dead and unemployed in the bank: and whereas the offices of the masters in the court of Chancery are very ancient, and are offices of great trust and consequence to the suitors of the said court; and the profits belonging thereto are not adequate to the attendance, trouble, and importance, of the said offices: wherefore, in order to make a further provision for the said offices, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That out of the cash that now lies, or shall hereafter lie, dead and unemployed in the bank of England, belonging to the suitors of the court of Chancery, a sum not exceeding eighty thousand pounds shall and may, by virtue of any order or orders of the said court, to be made for that purpose, from time to time, be placed out in one entire sum, or in parcels, on such government or parliamentary securities, as in and by such order or orders shall be directed; to the intent that the interest and annual produce, arising from the money so to be placed out as aforesaid, may be applied for the purposes herein after mentioned; and that the said court of Chancery may, by order or orders of the said court, from time to time change the security or securities on which the said monies shall be so placed out as the said court shall think expedient.

II. And be it further enacted, That the interest and annual pro-

The high court of chancery empowered to order the placing out occasionally, upon government securities, 80,000 l. out of the general cash in the bank belonging to the suitors of the court; and to change the securities as shall be expedient; the interest to be received

produce arising from the said securities shall, from time to time, be received by the governor and company of the bank of *England*, and placed to the credit of an account to be raised in the books kept there for the suitors of the said court, of interest arising from money placed out in pursuance of this act; and that out of such interest and annual produce there shall be paid, by half-yearly payments, by the governor and company of the bank of *England*, by virtue of an order or orders of the court of *Chancery* to be made for that purpose, the annual sum of two hundred pounds to each and every of the eleven of the masters in ordinary of the said court of *Chancery*, free from parliamentary taxes; which said annual sums shall commence from the fifth day of *January*, in the year of our Lord one thousand seven hundred and sixty five; and that the residue of the interest and annual produce arising from the said securities, shall be accounted for, and taken, as part of the common and general cash of and belonging to the suitors of the said court of *Chancery*; and shall be issued and applied pursuant and according to the directions of the before recited act of parliament.

III. Provided always, and be it further enacted and declared, That if, at any time hereafter, the whole, or any part of the said sum of eighty thousand pounds, shall be wanted, to answer any of the demands of the suitors of the said court of *Chancery*, then, and in such case, the said court may and shall direct the same, or any part thereof, to be called in, or the securities on which the same shall be placed to be disposed of, in order that the suitors of the said court may, at all times, be paid their respective demands, out of the common and general cash belonging to such suitors.

and accounted for by the bank; and 200l. *per annum* to be paid thereout half-yearly, by an order of court of *Chancery*, to each of the eleven masters of the court; to commence from 5 Jan. 1765; the surplus money to go to, and be accounted as part of, the general cash of the suitors. If the whole, or part of the sum so placed out to interest, shall be wanted, the court may call in the same, &c. that the suitors demands may be paid.

CAP. XXIX.

An act for repealing the duties now payable upon raw silk imported, and for granting other duties in lieu thereof; for allowing a drawback on the exportation of raw or thrown silk to Ireland, and for prohibiting the exportation of raw silk from Ireland.

WHEREAS the throwing of silk has, till of late, been carried on to a very considerable extent in this kingdom, and has employed many thousands of poor persons of both sexes, and all ages: and whereas the lessening the duties now payable upon the importation of raw silk, would be an encouragement to the said business of throwing of silk in this kingdom: therefore we your Majesty's most dutiful and loyal subjects, the commons of *Great Britain*, in parliament assembled, being desirous of encouraging the manufactures carried on in this kingdom, do humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, in this present parliament assembled, and by the authority of the same, That from and after the

Preamble.

1765, the duties now payable on raw silk imported to cease;

and the following duties to take place in lieu thereof;

twenty fourth day of *June*, one thousand seven hundred and sixty five, the several rates, duties, subsidies, and impositions, payable upon the importation of raw silk into *Great Britain*, shall cease, determine, and be no longer paid.

II. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, one thousand seven hundred and sixty five, the following duties shall be paid to his Majesty, his heirs, and successors, in lieu of the said former duties; that is to say,

Viz. on raw silk, 24 oz. to the pound, 1 s. 3 d. per *lib.*

On thrown silk, 16 oz. to the pound, 6d. per *lib.* additional to all other duties. The said duties to be collected and applied, as the duties upon Italian raw silk, &c.

For every pound weight of raw silk imported into *Great Britain*, each pound containing twenty four ounces, the sum of one shilling and three pence.

And for every pound weight of thrown silk imported into *Great Britain*, each pound containing sixteen ounces, the sum of six pence; over and above all other rates and duties by any act or acts of parliament imposed thereupon.

III. And be it further enacted by the authority aforesaid, That the several duties by this act granted, shall be raised, levied, collected, paid, and applied, in such manner, and for the same purposes, as the duties hitherto payable upon *Italian* raw silk have been raised, levied, collected, paid, and applied; and all provisions of or in every act, law, or statute, now in force, for raising, levying, collecting, and paying, the duties by this act repealed, shall be in full force, and shall be put in execution, for raising, levying, collecting, and paying, the duties by this act granted, as fully and effectually, to all intents and purposes, as if the same had been particularly repealed and re-enacted in this act.

A drawback of 1 s. per *lib.* allowed on exportation of raw silk to *Ireland*;

and the whole of the additional duty on thrown silk.

IV. Provided always, and be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, one thousand seven hundred and sixty five, upon the exportation to *Ireland* of any of the said commodities, within the time allowed by law, for which the duties chargeable by this act shall have been first paid or secured, there shall be allowed a drawback of one shilling, and no more, upon every pound weight, containing twenty four ounces of such raw silk, so exported; and of the whole of the said additional duty on such thrown silk so exported; which respective drawbacks shall be made or allowed according to such rules and methods, as drawbacks are allowed by any law now in force relating to the customs.

No raw silk to be exported from *Ireland*, on penalty of forfeiture thereof, with the vessel, and furniture, &c.

V. Provided also, and be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, one thousand seven hundred and sixty five, no raw silk shall be exported from *Ireland*, upon pain that the same, together with the ship, boat, or vessel, upon which any such raw silk shall be exported, shipped, or laden to be exported, and all her guns, tackle, apparel, and furniture, shall be forfeited, and shall and may be seized by any officer of the customs or revenue in

in Ireland; one moiety of all which forfeitures shall be to his Majesty, his heirs and successors, and the other moiety to him or them that shall sue for the same; to be recovered in such and the like manner as any forfeiture, incurred by any laws of the revenue, may be sued for and recovered, in the kingdom of Ireland; and that the master and mariners of any such ship, boat, or vessel, wherein any such offence shall be committed, knowing such offence, and wittingly and willingly aiding and assisting therein, and being thereof duly convicted, shall be imprisoned for the space of three months without bail or mainprize.

and the master and crew assisting, to be committed.

C A P. XXX.

An act for more effectually supplying the export trade of this kingdom to Africa, with such coarse printed callicoes, and other goods of the product or manufacture of the East Indies, or other places beyond the Cape of Good Hope, as are prohibited to be worn and used in Great Britain; for encouraging the importation of bugles into this kingdom; for the better supply of the export trade thereof; and for discontinuing the bounty payable in Great Britain, and all bounties and allowances in Ireland, upon the exportation of corn, grain, malt, meal, and flour, from thence to the Isle of Man.

WHEREAS the exporting to Africa coarse printed callicoes, and other goods of the product or manufacture of the East Indies, or other places beyond the Cape of Good Hope, which are prohibited to be worn and used in Great Britain, and also certain East India goods called Cowries and Arangoes, is very beneficial to the trade of this kingdom: and whereas it may happen, that the quantity of such goods imported from the East Indies by the united company of merchants of England trading thither, may not always be sufficient to answer that purpose, and to keep the price of such goods in this kingdom at a reasonable rate: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That from and after the first day of June, one thousand seven hundred and sixty five, in every such case, it shall and may be lawful for the said united company of merchants of England trading to the East Indies, and their successors, to import into Great Britain, in British ships navigated according to law, from any part of Europe not within his Majesty's dominions, such quantities of the said goods, being the product or manufacture of the East Indies, as they shall think necessary for the African trade, subject to the same duties, and to the same rules, regulations, and restrictions, in all respects, as are prescribed and practised with respect to such goods imported by them from the East Indies; so as notice be first given to the commissioners of

Preamble.

East India company allowed to import from abroad such coarse printed callicoes, and other goods of the growth or manufacture of the East Indies, &c. as shall be fit for the African trade;

upon payment of the usual duties; his

and giving notice to the treasury.

and obtaining a licence from them.

If they shall not furnish the market with a sufficient supply of such goods at reasonable prices,

the treasury may grant licences to other Persons,

they paying one half of the old subsidy on importation ;

and lodging the goods in the King's warehouses ; but to have no drawback ;

and to give security on exportation.

Unrated goods, imported by virtue of the last-mentioned licences,

to pay duty according to the price and value, as ascertained upon oath ;

his Majesty's treasury, or the lord high treasurer for the time being, of the quantities and species of goods so intended to be imported, with the name of the ship and master in which the same are to be laden ; and taking a licence under the hands of the said commissioners of the treasury, or any three or more of them, or the said high treasurer for the time being, for the loading and importing thereof as aforesaid, which licence they are hereby authorized and empowered to grant to the said company, without any fee or reward, or any other charge ; any law, custom, or usage to the contrary notwithstanding.

II. Provided always, and be it further by enacted the authority aforesaid, That if the said united company of merchants of *England* trading to the *East Indies* shall at any time neglect or refuse to keep this market supplied with a sufficient quantity of such goods at reasonable prices, to answer the *African* trade, it shall and may be lawful to and for the said commissioners of the treasury, or any three or more of them, or the said high treasurer for the time being, if he or they shall think proper, to grant licences to any other person or persons, body or bodies politick or corporate, to import such goods into any port of *Great Britain*, from any parts of *Europe* not within his Majesty's dominions, in such and the like manner, and under such restrictions and limitations, as are herein before prescribed and directed, with respect to such goods to be imported by the said united company of merchants of *England*, trading to the *East Indies* ; and that the goods, so imported by virtue of such last mentioned licences, shall be liable to the payment of one half of the old subsidy granted by the act of tonnage and poundage, passed in the twelfth year of the reign of King *Charles* the Second, which shall be paid down in ready money, and shall not be afterwards drawn back or repaid upon the exportation of the same goods ; and such goods shall, upon landing, be immediately lodged and secured in such warehouse belonging to his Majesty, his heirs and successors, as the commissioners of his Majesty's customs, or any three or more of them for the time being, shall direct and appoint ; and shall not be delivered out of such warehouse, otherwise than on condition to be exported to *Africa* only, under the like security, regulations, and restrictions, penalties, and forfeitures, as *East India* goods prohibited to be worn or used in *Great Britain*, are liable to by law.

III. Provided also, That in case such of the aforesaid goods as are not rated in either of the book of rates, made in the twelfth year of the reign of King *Charles* the Second, or in the eleventh year of the reign of King *George* the First, or in any other act, of parliament, shall be imported, by virtue of the last mentioned licence, by any person or persons, body or bodies politick or corporate, except the said united company of merchants of *England* trading to the *East Indies*, the price and value of such unrated goods shall be ascertained by the oath or affirmation of the importer, by the like rules, regulations, and restrictions, as are prescribed by an act passed in the eleventh year of the reign of King

King George the First, intituled, *An act for rating such unrated, goods and merchandizes as are usually imported into this kingdom and pay duty ad valorem, upon the oath of the importer; and for ascertaining the value of all goods and merchandizes not inserted in the former or present book of rates; and for repealing certain duties upon drugs and rags; and for continuing the duty upon apples; and for ascertaining the method of admeasuring pictures imported; and the half of the old subsidy shall be paid for such goods, according to such price and value; any law, custom, or usage, to the contrary notwithstanding.* pursuant to act 11 Geo. 1.

IV. And, in order to promote and encourage the importation of bugles into this kingdom, to be exported from hence to foreign parts, and to ease the merchants and dealers therein from the difficulty of paying or securing the full duties for such goods when imported for that purpose; be it further enacted by the authority aforesaid, That no duty or customs whatsoever shall be paid, or secured to be paid, for any bugles which shall be imported into this kingdom, from and after the first day of June, one thousand seven hundred and sixty five; other than one half of the old subsidy granted by the act of tonnage and poundage passed in the twelfth year of the reign of King Charles the Second, which shall be paid down in ready money, and shall not be afterwards drawn back or repaid upon the exportation of the same goods; provided such bugles shall, upon landing, be immediately lodged and secured in such warehouse belonging to his Majesty, his heirs, and successors, as the commissioners of his Majesty's customs, or any three or more of them for the time being, shall direct and appoint; and shall not be delivered out of such warehouse but upon the following conditions; that is to say, if such bugles, or any part thereof, shall be delivered for exportation to foreign parts, the same shall be subject to the like security, regulations, and restrictions, as *East India* goods, prohibited to be worn or used in *Great Britain*, are now liable to by law; but if such bugles, or any part thereof, shall be taken out in order to be used in this kingdom, the person or persons so taking out the same, shall first pay up the remainder of the duties which would have been due and payable upon the importation of such goods into this kingdom; and they shall, in all other respects, be liable to the same restrictions and regulations, as they would have been subject and liable to if this act had not been made.

V. Provided always, and it is hereby further enacted, That if such bugles shall not be either exported, or the full duties paid for the same, within five years from the importation thereof, but shall then continue and be still remaining in the said warehouses; in such case it shall and may be lawful for the said commissioners of the customs for the time being, or any three or more of them, to cause the said bugles, so remaining, to be publickly sold by auction, or inch of candle, to the best bidder; and the money arising by such sale to be applied, first, in discharge of the said duties and the expences of such sale; and the overplus, if

After 1 June, 1765, bugles may be imported upon paying one half of the old subsidy.

without any drawback upon exportation;

lodging the same in the King's warehouse,

and giving security on exportation;

but if for Home consumption,

the full duty is then to be paid.

If they shall not be exported, or the full duties paid within 5 years; the commissioners of the customs may put up the same to public sale, and

deduct the duties and charges,

Bugles imported before 1 June, 1765, for which duties were paid

being duly warehoused, are to be allowed the drawback on exportation, &c.

Bugles imported after the said 1 June, not being warehoused,

are to pay full duties, subject to the

Commissioners of the customs empowered to grant licences at any time before 5 July, next, for importation from the isle of Man, of rum, brandy, iron, gunpowder, and East India goods, &c. proper for the African trade, which were imported there before 1 March 1765; due notice being first given them of the quantities and species, &c. and oath made

Such goods to pay only

if any, to be paid to the importer or proprietor of such bugles, or other persons authorized to receive the same.

VI. And be it further enacted by the authority aforesaid, That all and every person and persons having in his or their custody, any bugles, imported before the said first day of *June*, one thousand seven hundred and sixty five, for which the duties have been paid or secured according to law, who shall, on or before the said first day of *June*, bring and deposit, or cause to be brought and deposited, such bugles, in such warehouse as shall be approved of by the commissioners aforesaid for that purpose, shall thereupon be repaid and allowed, by the collector or other proper officer of the customs at the port where such bugles were imported, all the duties which such bugles would be intitled to draw back upon the exportation thereof, in the same manner and form as if such bugles were actually exported: and the same shall be liable to the same rules and regulations as they would be liable to, by this act, if they had been warehoused upon their first importation.

VII. Provided always, and it is hereby further enacted by the authority aforesaid, That from and after the said first day of *June*, every person importing any bugles into *Great Britain*, which shall not be warehoused in the manner herein before directed, shall pay down in ready money all the several duties due for the same, subject to the usual discounts; any law, custom, or usage, to the contrary notwithstanding.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the commissioners of the customs in that part of *Great Britain* called *England*, or any three or more of them, at any time before the fifth day of *July*, next, but no longer, to grant licence without fee or reward, in such cases as they shall think proper, to any person or persons, to import into any port in *England* from the isle of *Man*, in *British* ships navigated according to law, any quantity of rum, brandy, iron, gunpowder, cowries, arangoes, and such coarse printed calicoes, of the product and manufacture of the *East Indies*, as are fit and necessary for the *African* trade, which were imported into the said isle of *Man* before the first day of *March* one thousand seven hundred and sixty five; so as notice be first given to the said commissioners of the quantities, species, and package of such goods, so intended to be imported, together with the marks and numbers thereof, with the name of the ship and master in which the same are intended to be laden, and the port into which they are intended to be brought; and proof be made by oath of the proprietor (or if the proprietor be a *Quaker*, by his affirmation) and by the oath of one other credible person, of the time when the goods, for which such licence is desired, were imported into the said isle of *Man*.

of the time of importation.

IX. And be it further enacted, That the goods so imported, by virtue of such licence, shall not be liable to the payment of any

any customs or duties whatsoever, other than one half of the old subsidy granted by the act of tonnage and poundage, passed in the twelfth year of the reign of *Charles* the Second, which shall be paid down in ready money, and shall not be afterwards drawn back or repaid upon the exportation of the same goods; and that all such goods, except gunpowder, shall, upon landing, be immediately lodged and secured in such warehouses belonging to his Majesty, his heirs, and successors, as the said commissioners of the customs shall direct and appoint; and that all gunpowder, so imported, shall be immediately lodged and secured in such warehouse or magazine as shall be provided at the expence of the proprietor of such gunpowder, and approved of by the said commissioners, under the joint locks of the King and the said proprietor; and upon entry of any of the goods aforesaid, the licence granted for importing the same shall be delivered up by the master, or other person taking charge of the vessel, to the collector or other principal officer of the customs at the port of importation, to be by such officer transmitted to the said commissioners of the customs to be cancelled: and the said goods shall not be delivered out of such warehouse or magazine in which they shall be secured as aforesaid, otherwise than on condition to be exported to *Africa* only, under the like securities, regulations, and restrictions, penalties and forfeitures, as *East India* goods prohibited to be worn or used in *Great Britain* are liable to by law; any law, custom, or usage to the contrary notwithstanding.

one half of
the old subsidy

and to be
warehoused
upon landing

and the gun-
powder se-
cured.

Upon entry of
the goods,
the licence to
be delivered
up,

and transmit-
ted to the
commission-
ers.

Conditions of
exportation.

X. Provided always, That the said one half of the old subsidy for such of the goods aforesaid, as are unrated in either of the books of rates made in the twelfth year of the reign of King *Charles* the Second, or in the eleventh year of the reign of King *George* the First, or in any other act of parliament, shall be paid according to the price and value of such goods, to be ascertained by the oath or affirmation of the importer, by the like rules, regulations, and prescriptions, as are prescribed and practised by law for other unrated goods imported into this kingdom.

Unrated goods

to pay accord-
ing to the
price and va-
lue.

XI. And whereas it is proper, that the bounty payable in *Great Britain*, and all bounties and allowances payable in *Ireland*, upon the exportation of corn, grain, malt, meal, and flour, exported to the isle of *Man*, should be discontinued; be it therefore enacted by the authority aforesaid, That from and after the first day of *June*, one thousand seven hundred and sixty five, no bounty shall be allowed or paid for any sort of corn, grain, malt, meal, or flour, which shall be entered for exportation from *Great Britain* to the isle of *Man*; and that no bounty or allowance shall be allowed or paid for any sort of corn, grain, malt, meal, or flour, which shall be entered for exportation from *Ireland* to the said isle; and that the said isle of *Man* shall be added to and included in the bond, which is now by law required to be given upon the exportation of such corn, grain, malt, meal, or flour, to parts beyond the seas.

From and af-
ter 1 June,
1765. the
bounty upon
exportation
of corn, &c.
to the isle of
Man is to be
discontinued.

and the isle of
Man is to be
included in
the bonds to
be given on
exportation
of corn, &c.
to parts be-
yond the seas.

XII. Provided always, and be it enacted, That nothing here-
in

Rights of the
East India
company re-
served.

in contained, shall be construed to prejudice such right and privileges as are given to the united company of merchants of *England* trading to the *East Indies*, by the charter granted by his late majesty King *William* the third, in the tenth year of his reign, otherwise than is herein before contained.

Limitation of
actions.

General issue.

XIII. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants, in such action or suit, may plead the general issue, and give this act and the special matter in evidence, at any trial to be had thereupon; and that the same was done in pursuance, and by the authority of this act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared, or if judgement shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall recover treble costs; and have the like remedy for the same, as defendants have in other cases by law.

Treble costs.

C A P. XXXI.

An act to discontinue, for a limited time, the duties upon wheat and wheat flour imported; and also the bounty payable on the exportation of wheat and wheat flour.

Preamble.

WHEREAS the discontinuing of the duties, for a limited time, upon wheat and wheat flour imported into this kingdom, may be of advantage to his Majesty's subjects, be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing this act, no subsidy, custom, rate, duty, or other imposition whatsoever shall be demanded, collected, received, or taken, upon any wheat or wheat flour, which shall be imported into this kingdom at any time or times before the twenty fourth day of *August*, one thousand seven hundred and sixty five; but that all such wheat and wheat flour shall and may be imported, brought in and landed, duty free; and may also be carried coastwise, under such regulations as corn of the growth of this kingdom is now allowed to be carried coastwise, at all times before the said twenty fourth day of *August*; any former law, statute, act or acts of parliament, to the contrary in any wise notwithstanding.

Duties discontinued upon
such wheat
and wheat
flour as shall
be imported
before 24. Au-
gust, 1765;

and the same
allowed to be
carried coast-
wise.

Due entry to
be made of
such importa-
tion,

on penalty of
paying the
duties.

II. Provided always, and be it further enacted by the authority aforesaid, That a due entry shall be made, in such manner and form as were used and practised before the making of this act, of all wheat and wheat flour which shall be imported, or brought into this kingdom, before the said twenty fourth day of *August*, at the custom-house belonging to the port into which the same shall be imported or brought in; or otherwise in default of making such entry, such wheat and wheat flour shall be liable and subject to such and the same duties, as were payable upon

on the importation thereof before the making of this act; any thing in this act contained to the contrary notwithstanding.

III. And be it further enacted by the authority aforesaid, Limitation of actions.
That if any action or suit shall be commenced against any person or persons, for any thing done in pursuance of this act, in that part of *Great Britain* called *England*, the defendant or defendants in any such action or suit may plead the general issue, and give this act, and the special matter, in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants: and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared; or if judgement shall be given upon any verdict or demurrer against the plaintiff; the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as any defendant or defendants hath or have in other cases by law; and if such action or suit be commenced or prosecuted in that part of *Great Britain* called *Scotland*, the court, before whom such action or suit shall be brought, shall allow the defender to plead this act on his defence; and if the pursuer shall not insist on his action, or if judgement shall be given against such pursuer, the defender shall and may recover the full and real expences he may have been put to by any such action or suit. General issue.
Treble costs.

IV. And be it further enacted by the authority aforesaid, That from and after the passing of this act, no bounty shall be allowed or payable, upon the exportation of wheat or wheat flour from *Great Britain*, until and after the twenty fourth day of *August* next. Bounty discontinued for a time upon all wheat or wheat flour which shall be exported from Great Britain.

C A P. XXXII.

An act to enable his Majesty, with the advice of his privy council, to prohibit the exportation of wheat, wheaten meal, flour, bread, biscuit, and starch, during the next recess of parliament, at such time, and in such manner, as the necessity of the time may require, and be, in his wisdom shall think convenient and needful.

WHEREAS the prices of wheat, wheaten meal, flour, bread, biscuit, and starch, are at present very high, and may become higher, to the great prejudice of his Majesty's subjects, if not timely prevented; may it therefore please your majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled and by the authority of the same, That it shall and may be lawful for his Majesty, during the next recess of parliament, by and with the advice of his privy council, from time to time, as often as the price of wheat shall be at six shillings *per* bushel, or upwards, at the market at bear key, to prohibit Preamble.
His Majesty enabled, during the next recess of parliament, with

the advice of his privy council,

to prohibit by proclamation, the exportation of wheat, &c. from Great Britain or Ireland, when the price thereof at Bear Key, shall be at 6s. per bushel; and if any shall be exported contrary thereto the same is forfeited; with 20s. per bushel for such wheat. &c. and 12d. per lib. for such bread, &c. together with the vessel, &c. to be recovered in the several courts within England.

Scotland.

and Ireland.

and the master and crew to be committed.

Any officer of the customs, or other person authorized by the treasury, may make such seizure, &c.

hibit the exportation from *Great Britain* or *Ireland*, any sort of wheat, wheaten meal, flour, bread, biscuit, or starch, as his Majesty, in his great wisdom, shall think convenient and needful, and as the necessity of the times may require, and in such manner as his Majesty shall think fit to direct; any thing in any act or acts of parliament to the contrary notwithstanding; and that all the said commodities that shall be exported, shipped, or carried out, within any of the times appointed by his Majesty, by and with the advice of his privy council, by his royal proclamation for prohibiting the exportation thereof during the next recess of parliament, shall be forfeited; and that every offender or offenders therein shall forfeit the sum of twenty shillings for every bushel of wheat, wheaten meal, or flour, and twelve pence of lawful money of *Great Britain* for every pound weight of bread, biscuit, or starch, and so in proportion for any greater or less quantity, which shall be so exported, shipped, or put on board to be exported; and also the ship, boat, or vessel, upon which any of the said commodities shall be exported, shipped, or laden to be exported, and all her guns, tackle, apparel, and furniture, shall be forfeited; and one moiety of all the said penalties and forfeitures shall be to the King's majesty, his heirs and successors, and the other moiety to him or them that will sue for the same: and for offences that shall be committed in that part of *Great Britain* called *England*, such penalties and forfeitures shall be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or before the justices of assize, or at the great sessions in *Wales*, or by information at any general quarter sessions of the peace for the county, city, riding, division, or place, where the offence shall be committed; and in such suit no essoin, protection, privilege, or wager of law, shall be allowed; and for offences which shall be committed in that part of *Great Britain* called *Scotland*, by action, or summary bill or information, in the courts of sessions or *exchequer* in *Scotland*: and for offences which shall be committed in *Ireland*, in his Majesty's courts of record in *Dublin*, or at the general quarter sessions of the peace for the county, city, or place, where the offence shall be committed: and that the master, and mariners of any such ship, boat, or vessel, wherein any such offence shall be committed, knowing such offence, and wittingly and willingly aiding and assisting thereunto and being thereof duly convicted in any such courts as aforesaid, shall be imprisoned for the space of three calendar months without bail or mainprize.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, being an officer or officers of the customs, or being lawfully authorized in this behalf by the lord high treasurer of *Great Britain*, or the commissioners of the treasury for the time being, or any three or more of them, to take or seize all such of the said commodities not allowed to be exported by this act, or by his Majesty's royal proclamation, or such order of council in
pur-

purfuance of this act, as he or they fhall happen to find, know or difcover to be laid on board any fhip, or other veffel or boat at fea, or in any port, or in any navigable river or water, to the intent or purpofe to be exported, tranfported or conveyed out of *Great Britain* or *Ireland*, contrary to the true intent of this act; and alfo the fhip, veffel or boat, in which the fame fhall be found; and to bring the faid goods to the King's warehouse or warehouses, belonging to the custom-houfe next to the place where fuch feizures fhall be made, or to fome other fafe place (where there are no fuch warehouses) in order to be proceeded againft according to law; and in cafe of recovery, to be divided according to the direCTIONS of this act.

III. Provided always, That this act, or any thing herein contained, fhall not extend to prohibit the exportation, or carrying out, of fuch or fo much of the faid commodities as fhall be neceffary to be carried in any fhip or fhips, or other veffel or veffels, in their refpective voyages, for the fufenance, diet and fupport of the commanders, mafters, mariners, paffengers or others, in the fame fhips or veffels only; or for the victualling or providing any of his Majefty's fhips of war, or other fhips or veffels in his Majefty's fervice; or for his Majefty's forces, forts or garrifons; any thing herein contained to the contrary notwithstanding.

Provisions neceffary for a fhip's voyage;

or for victualling the King's fhips, forces or garrifons, excepted;

IV. Provided alfo, That this act, or any thing herein contained, fhall not extend to prohibit any perfon or perfons to fhip or put on board any of the commodities aforefaid, to be carried coastwife; that is to fay, from any port, creek or member of the kingdoms of *Great Britain* or *Ireland*, to any other port, creek or member of the fame refpectively, having fuch or the like coast coquet or fuffurance for that purpofe, and fuch or the like fufficient fecurity being firft given for the landing and difcharging the fame in fome other port, member or creek of the faid kingdoms, and returning a certificate in fix months, as is required by law in cafes where goods, which are liable to pay duties on exportation, are carried coastwife from one port of *Great Britain* to another, and not otherwife.

and fuch alfo as fhall be carried coastwife, having a fuffurance, and fecurity being given for the due landing thereof, and returning a certificate within fix months;

V. Provided always, That this act, or any thing herein contained, fhall not extend to any of the faid commodities which fhall be exported, or fhipped to be exported, out of or from *Great Britain* to *Ireland*, or from *Ireland* to *Great Britain*, or from *Great Britain* or *Ireland* to *Gibraltar*, or unto any of his Majefty's iflands or colonies in *America*, that have ufually been fupplied with any of the faid commodities from *Great Britain* or *Ireland*, for the fufentation of the inhabitants of the faid iflands, colonies or dominions, or for the benefit of the *Britifh* fifhery in thofe parts only; fo as the exporter do, before the fhipping or laying on board the fame, declare the ifland, colony or dominion, iflands, colonies or dominions, for which the faid commodities are refpectively defigned; and do become bound, with fome other fufficient fecurity, in treble the value thereof, to the commiffioners or chief officer or officers of his Majefty's

and except fuch as fhall be exported to and from *Great Britain* and *Ireland* reciprocally, or to *Gibraltar*, the *Britifh* plantations in *America*, or for the *Britifh* fifheries; the exporter declaring the place for which the

same are intended, and giving security,

and returning a certificate in due time.

Officer granting a false certificate, forfeits 200l. and is also incapacitated;

and persons forging or falsifying a certificate; or knowingly publishing such, forfeit 200l.

Provisions sent by the East India company to their settlements abroad, are also excepted, upon giving security,

and such as are exported from Southampton to Jersey and Guernsey, for the use of the inhabitants, giving security,

jefty's customs belonging to the port or place where the same shall be shipped or put on board (who hath or have hereby power to take such security in his Majesty's name, and to his Majesty's use) that such commodities shall not be landed or sold in any parts whatsoever, other than the kingdoms, islands or colonies, for which the same shall be so declared; and that a certificate under the hand and seal of the collector, comptroller or other chief officer of the customs, or, if no such, of the naval officer, or some other principal officer of the port where the same shall be landed, shall, within the respective times herein after for that purpose mentioned (the danger of the seas excepted) be returned to the officers who took the said bonds, that the said commodities have been landed at the port or place for which the same shall be so declared; and for the taking of such security, and giving such certificates (which the respective officers aforesaid are hereby on demand required to give) no fee or reward shall be demanded or received; and if any officer shall make any false certificate of any such commodities being so landed, such officer shall forfeit the sum of two hundred pounds, and lose his employment, and be incapable of serving his Majesty, his heirs or successors, in any office relating to the customs: and if any person shall counterfeit, raise or falsify, any such certificate, or knowingly publish any such counterfeit, raised, or false certificate, he shall forfeit the sum of two hundred pounds; and such certificate shall be void, and of no effect: which said penalties, for offences committed in *Great Britain* or *Ireland*, shall be recovered in the same courts, and in the same manner, as the other penalties inflicted by this act are recoverable; and for offences committed in the colonies or plantations in *America*, or other the dominions belonging to the crown of *Great Britain* in *Europe*, shall be recovered in the high court of *Admiralty*, or in any other chief court of civil or criminal jurisdiction in such respective colonies, plantations or dominions; and shall be divided into moieties between his Majesty and the informer: and the said bond or bonds, if not prosecuted within three years, shall be void.

VI. Provided, That nothing herein contained shall extend to prohibit the united company of merchants of *England* trading to the *East Indies*, from exporting any of the said commodities to any of their forts, factories or settlements, for the support of the persons residing there; so as the like security be given, for the exporting thereof, as is required by this act to be given by persons carrying any of the said commodities to the *British* colonies in *America*.

VII. Provided also, That this act, or any thing herein contained, shall not extend to any wheat to be transported out of or from the port of *Southampton* only, unto the islands of *Jersey* and *Guernsey*, or either of them, for the only use of the inhabitants of those islands; so as the exporter, before the lading of such wheat, or laying the same on board, do become bound, with other sufficient security (which the customer or comptroller

of the same port hath hereby power to take in his Majesty's name, and to his Majesty's use, and for which security no fee or reward shall be given or taken) that such wheat shall be landed in the said islands of *Jersey* and *Guernsey*, or one of them (the dangers of the seas only excepted) for the use of the inhabitants there, and shall not be landed or sold in any other parts whatsoever; and to return the like certificates of the landing the same there, as is herein before required on the exportation of the said commodities to the *British* colonies in *America*, and within the time for that purpose herein after mentioned; and so as the quantity of wheat, which, at any time or times after the passing of this act, and before the first day of *October*, shall be shipped at the said port for *Jersey* and *Guernsey*, or either of them, as aforesaid, doth not exceed in the whole five thousand quarters; any thing herein contained to the contrary notwithstanding.

VIII. And be it further enacted by the authority aforesaid, That the commissioners of the customs for the time being shall, and they are hereby required to give a full and true account, in writing, to both houses of parliament, at the beginning of the next session thereof, of all wheat, wheaten meal, flour, bread, biscuit, and starch, that shall, before that time, be exported to any place whatsoever, by virtue or in pursuance of any of the liberties or powers hereby given or granted for that purpose.

IX. And be it further enacted by the authority aforesaid, That all certificates of the landing and discharging of the said commodities to be exported, other than coastwise, shall be returned within the respective times following; that is to say, where the bonds are taken in respect of any of the said commodities to be exported from *Great Britain* or *Ireland*, to any of the said colonies or plantations in *America*, within eighteen calendar months after the date of the said bonds; and where to *Gibraltar*, within twelve calendar months after the date of such bonds; and where to the islands of *Guernsey* or *Jersey*, within six calendar months after the date of such bonds; and where from *Great Britain* to *Ireland*, or from *Ireland* to *Great Britain*, within six calendar months after the date of such bonds respectively.

CAP. XXXIII.

An act to amend and render more effectual, in his Majesty's dominions in America, an act passed in this present session of parliament, intituled, An act for punishing mutiny and desertion, and for the better payment of the army and their quarters.

WHEREAS in and by an act made in the present session of parliament, intituled, An act for punishing mutiny and desertion, and for the better payment of the army and their quarters; several regulations are made and enacted for the better government of the army, and their observing strict discipline, and for providing quarters for the army, and carriages on marches and

Constables,
&c. to quarter
officers and
men in the
barracks pro-
vided for
them;

and if there
shall not be
sufficient room
there, to billet
the residue in
inns, ale-hou-
ses, &c.

and if these
shall be also
insufficient,
then in hired
uninhabited
houses to be
provided and
furnished for
the purpose.

other necessary occasions, and inflicting penalties on offenders against the same act, and for many other good purposes therein mentioned; but the same may not be sufficient for the forces that may be employed in his Majesty's dominions in America: and whereas, during the continuance of the said act, there may be occasion for marching and quartering of regiments and companies of his Majesty's forces in several parts of his Majesty's dominions in America: and whereas the publick houses and barracks, in his Majesty's dominions in America, may not be sufficient to supply quarters for such forces: and whereas it is expedient and necessary that carriages and other conveniences, upon the march of troops in his Majesty's dominions in America, should be supplied for that purpose: be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That for and during the continuance of this act, and no longer, it shall and may be lawful to and for the constables, tithingmen, magistrates, and other civil officers of villages, towns, townships, cities, districts, and other places, within his Majesty's dominions in America, and in their default or absence, for any one justice of the peace inhabiting in or near any such village, township, city, district or place, and for no others; and such constables, tythingmen, magistrates, and other civil officers as aforesaid, are hereby required to quarter and billet the officers and soldiers, in his Majesty's service, in the barracks provided by the colonies; and if there shall not be sufficient room in the said barracks for the officers and soldiers, then and in such case only, to quarter and billet the residue of such officers and soldiers, for whom there shall not be room in such barracks, in inns, livery stables, ale-houses, victualling-houses, and the houses of sellers of wine by retail to be drank in their own houses or places thereunto belonging, and all houses of persons selling of rum, brandy, strong water, cyder or metheglin, by retail, to be drank in houses; and in case there shall not be sufficient room for the officers and soldiers in such barracks, inns, victualling and other publick alehouses, that in such and no other case, and upon no other account, it shall and may be lawful for the governor and council of each respective province in his Majesty's dominions in America, to authorize and appoint, and they are hereby directed and impowered to authorize and appoint, such proper person or persons as they shall think fit, to take, hire and make fit, and, in default of the said governor and council appointing and authorizing such person or persons, or in default of such person or persons so appointed neglecting or refusing to do their duty, in that case it shall and may be lawful for any two or more of his Majesty's justices of the peace in or near the said villages, towns, townships, cities, districts, and other places, and they are hereby required to take, hire, and make fit for the reception of his Majesty's forces, such and so many uninhabited houses, outhouses, barns, or other buildings, as shall be necessary, to quarter therein the residue of such of-

icers

officers and soldiers for whom there should not be room in such barracks and publick houses as aforesaid, and to put and quarter the residue of such officers and soldiers therein.

II. And it is hereby declared and enacted, That there shall be no more billets at any time ordered, than there are effective soldiers present to be quartered therein: and in order that this service may be effectually provided for, the commander in chief in *America*, or other officer under whose orders any regiment or company shall march, shall, from time to time, give, or cause to be given, as early notice as conveniently may be, in writing, signed by such commander or officer of their march, specifying their numbers and time of marching as near as may be, to the respective governors of each province through which they are to march; in order that proper persons may be appointed and authorized, in pursuance of this act, to take up and hire, if it shall be necessary, uninhabited houses, outhouses, barns, or other buildings, for the reception of such soldiers as the barracks and publick houses shall not be sufficient to contain or receive.

No more billets to be ordered than there are effective men. Commander in chief to give early notice to the respective governors, of the marching of the troops and their numbers, that quarters may be provided accordingly.

III. And be it further enacted by the authority aforesaid, That if any military officer shall take upon himself to quarter soldiers, in any of his Majesty's dominions in *America*, otherwise than is limited and allowed by this act; or shall use or offer any menace or compulsion to or upon any justice of the peace, constable, tithingman, magistrate, or other civil officer before mentioned, in his Majesty's dominions in *America*, tending to deter and discourage any of them from performing any part of the duty hereby required or appointed; such military officer, for every such offence, being thereof convicted before any two or more of his Majesty's justices of the peace living within or near such villages, towns, townships, cities, districts or other places, by the oaths of two or more credible witnesses, shall be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any military employment in his Majesty's service, upon a certificate thereof being transmitted to the commander in chief in *America*; unless the said conviction shall be reversed upon an appeal brought, within six months, in the proper court for hearing appeals against convicting by justices of the peace: and in case any person shall find himself aggrieved, in that such constable, tythingman, magistrate, or other civil officer, shall have quartered or billeted in or upon his house a greater number of soldiers than he ought to bear in proportion to his neighbours, and shall complain thereof to one or more justice or justices of the peace of the village, town, township, city, district, or other place, where such soldiers are quartered, such justice or justices has or have hereby power to relieve such person, by ordering such and so many of the soldiers to be removed, and quartered upon such other person or persons, as they shall see cause; and such other person or persons shall be obliged to receive such soldiers accordingly.

Military officers taking on themselves to quarter soldiers; or using any menace to a civil officer, to deter them from their duty; to be cashiered;

unless the conviction be reversed upon appeal. Persons aggrieved by being quartered on, may complain to the justices, and be relieved.

IV. Provided also, and be it further enacted, That no justice or justices of the peace, having or executing any military office or

No justice having any military office to be com-

cerned in bil-
leting soldiers.

except where
there shall be
no other jus-
tice.

Officers and
soldiers quar-
tered in inns,
or alehouses,
are to be fur-
nished with
provisions, at
a certain rate.

What inn-
holders, &c.
may allow
men quarter-
ed on them
instead of
meat.

What officers
and soldiers
quartered in
barracks, or
hired houses,
are to be fur-

commission in his Majesty's regular forces in *America*, may, during the continuance of this act, directly or indirectly, act or be concerned in the quartering, billeting or appointing any quarters, for any soldier or soldiers, according to the disposition made for quartering of any soldier or soldiers by virtue of this act (except where there shall be no other justice or justices of the peace) but that all warrants, acts, matters, or things, executed or appointed by such justice or justices of the peace for or concerning the same, shall be void; any thing in this act contained to the contrary notwithstanding.

V. Provided nevertheless, and it is hereby enacted, That the officers and soldiers so quartered and billeted as aforesaid (except such as shall be quartered in the barracks, and hired uninhabited houses, or other buildings as aforesaid) shall be received and furnished with diet, and small beer, cyder, or rum mixed with water, by the owners of the inns, livery stables, alehouses, victualling-houses, and other houses in which they are allowed to be quartered and billeted by this act; paying and allowing for the same the several rates herein after mentioned to be payable, out of the subsistence-money, for diet and small beer, cyder, or rum mixed with water.

VI. Provided always, That in case any innholder, or other person, on whom any non-commission officers or private men shall be quartered by virtue of this act, in any of his Majesty's dominions in *America* (except on a march, or employed in recruiting, and likewise except the recruits by them raised, for the space of seven days at most, for such non-commission officers and soldiers who are recruiting, and recruits by them raised) shall be desirous to furnish such non-commission officers or soldiers with candles, vinegar, and salt, and with small beer or cyder, not exceeding five pints, or half a pint of rum mixed with a quart of water, for each man *per diem*, gratis, and allow to such non-commission officers or soldiers the use of fire, and the necessary utensils for dressing and eating their meat, and shall give notice of such his desire to the commanding officer, and shall furnish and allow the same accordingly; then, and in such case, the non-commission officers and soldiers so quartered shall provide their own victuals; and the officer to whom it belongs to receive, or that actually does receive, the pay and subsistence of such non-commission officers and soldiers, shall pay the several sums herein after-mentioned to be payable, out of the subsistence-money, for diet and small beer, to the non-commission officers and soldiers aforesaid, and not to the innholder or other person on whom such non-commission officers and soldiers are quartered; any thing herein contained to the contrary notwithstanding.

VII. And whereas there are several barracks in several places in his Majesty's said dominions in *America*, or some of them, provided by the colonies, for the lodging and covering of soldiers in lieu of quarters, for the ease and conveniency as well of the inhabitants of and in such colonies, as of the soldiers;

it is hereby further enacted, That all such officers and soldiers, so put and placed in such barracks, or in hired uninhabited houses, out-houses, barns, or other buildings, shall, from time to time, be furnished and supplied there by the persons to be authorized or appointed for that purpose by the governor and council of each respective province, or upon neglect or refusal of such governor and council in any province, then by two or more justices of the peace residing in or near such place, with fire, candles, vinegar, and salt, bedding, utensils for dressing their victuals, and small beer or cyder, not exceeding five pints, or half a pint of rum mixed with a quart of water, to each man, without paying any thing for the same.

nished with at
the provincial
expence.

VIII. And that the several persons who shall so take, hire, and fit up as aforesaid, such uninhabited houses, out-houses, barns, or other buildings, for the reception of the officers and soldiers, and who shall so furnish the same, and also the said barracks, with fire, candles, vinegar, and salt, bedding, utensils for dressing victuals, and small beer, cyder, or rum, as aforesaid, may be reimbursed and paid all such charges and expences they shall be put to therein, be it enacted by the authority aforesaid, That the respective provinces shall pay unto such person or persons all such sum or sums of money so by them paid, laid out, or expended, for the taking, hiring, and fitting up, such uninhabited houses, out-houses, barns, or other buildings, and for furnishing the officers and soldiers therein, and in the barracks, with fire, candles, vinegar, and salt, bedding, utensils for dressing victuals, and small beer, cyder, or rum, as aforesaid; and such sum or sums are hereby required to be raised, in such manner as the publick charges for the provinces respectively are raised.

How the ex-
pences incur-
red thereby
are to be re-
imbursed.

IX. Provided always, and be it enacted by the authority aforesaid, That if any officer, within his Majesty's said dominions of *America*, shall take, or cause to be taken, or knowingly suffer to be taken, any money, of any person, for excusing the quartering of officers or soldiers, or any of them, in any house allowed by this act; every such officer shall be cashiered, and be incapable of serving in any military employment whatsoever.

Penalty on
taking mo-
ney to excuse
any person
from being
quartered on.

X. And whereas some doubts may arise, whether commanding officers of any regiment or company, within his Majesty's said dominions in *America*, may exchange any men quartered in any village, town, township, city, district, or place, in his Majesty's said dominions in *America*, with another man quartered in the same place, for the benefit of the service; be it declared and enacted by the authority aforesaid, That such exchange as above mentioned may be made by such commanding officers respectively, provided the number of men do not exceed the number at that time billeted on such house or houses; and the constables, tythingmen, magistrates, and other chief officers of the villages, towns, townships, cities, districts, or other places where any regiment or company shall be quartered, are hereby required to billet such men so exchanged accordingly.

Commanding
officers may
exchange
men in their
quarters.

Penalty on constables, &c. delaying to quarter or billet officers or soldiers, after due notice;

or receiving money to excuse any person from being quartered on; and on persons refusing to receive the officers and soldiers billeted on them, or to furnish them with necessaries as the act directs;

if any sum not exceeding 5l. nor less than 40s.

to be paid to the treasurer of the colony.

Officers to give notice to inn keepers, &c. of sub-

XI. And be it further enacted by the authority aforesaid, That if any constable, tythingman, magistrate, or other chief officer or person whatsoever, who, by virtue or colour of this act, shall quarter or billet, or be employed in quartering or billeting, any officers or soldiers, within his Majesty's said dominions in *America*, shall neglect or refuse, for the space of two hours, to quarter or billet such officers or soldiers, when thereunto required, in such manner as is by this act directed, provided sufficient notice be given before the arrival of such forces; or shall receive, demand, contract, or agree for, any sum or sums of money, or any reward whatsoever, for or on account of excusing, or in order to excuse, any person or persons whatsoever from quartering, or receiving into his, her, or their house or houses, any such officer or soldier; or in case any victualler, or any other person, within his Majesty's dominions in *America*, liable by this act to have any officer or soldier billeted or quartered on him or her, shall refuse to receive or victual any such officer or soldier so quartered or billeted upon him or her as aforesaid; or in case any person or persons shall refuse to furnish or allow, according to the directions of this act, the several things herein before directed to be furnished or allowed to officers and soldiers, so quartered or billeted on him or her, or in the barracks, and hired uninhabited houses, out-houses, barns or other buildings, as aforesaid, at the rate herein after mentioned; and shall be thereof convicted before one of the magistrates of any one of the supreme chief or principal common law courts of the colony where such offence shall be committed, either by his own confession, or by the oath of one or more credible witnesses or witnesses (which oath such magistrate of such court is hereby empowered to administer) every such constable, tythingman, magistrate, or other chief officer or person so offending shall forfeit, for every such offence, the sum of five pounds sterling, or any sum of money not exceeding five pounds, nor less than forty shillings, as the said magistrate (before whom the matter shall be heard) shall in his discretion think fit; to be levied by distress and sale of the goods of the person offending, by warrant under the hand and seal of such magistrate before whom such offender shall be convicted, to be directed to a constable or other officer within the village, town, township, city, district, or other place, where the offender shall dwell; and shall direct the said sum of five pounds, or such other sum as shall be ordered to be levied in pursuance of this act as aforesaid, when levied, to be paid into the treasury of the province or colony where the offence shall be committed, to be applied towards the general charges of the said province or colony.

XII. And, that the quarters both of officers and soldiers, in his Majesty's said dominions in *America*, may hereafter be duly paid and satisfied, be it enacted by the authority aforesaid, That from and after the twenty fourth day of *March*, in the year one thousand seven hundred and sixty five, every officer to whom it belongs to receive, or that does actually receive, the pay or sub-

subsistence-money either for a whole regiment, or particular
 companies, or otherwise, shall immediately, upon each receipt
 of every particular sum which shall from time to time be paid,
 returned, or come to his or their hands, on account of pay or
 subsistence, give publick notice thereof to all persons keeping
 inns, or other places where officers or soldiers are quartered
 by virtue of this act: and shall also appoint the said innkeepers
 and others to repair to their quarters, at such times as they shall
 appoint for the distribution and payment of the said pay or sub-
 sistence money to the said officers or soldiers, which shall be
 within four days at farthest after receipt of the same as aforesaid,
 and the said inn-keepers and others shall then and there acquaint
 such officer or officers with the accounts or debts (if any shall
 be) between them and the officers and soldiers so quartered in
 their respective houses; which account the said officer or offi-
 cers are hereby required to accept of, and immediately pay the
 same, before any part of the said pay or subsistence be distri-
 buted either to the officers or soldiers; provided the accounts
 exceed not for a commission officer of foot, being under the de-
 gree of a captain, for such officers diet and small beer *per diem*,
 one shilling; and if such officer shall have a horse or horses, for
 each horse or horses, for their hay and straw *per diem*, six pence,
 nor for one foot soldier's diet and small beer, cyder, or rum mix-
 ed as aforesaid, *per diem*, four pence: and if any officer or offi-
 cers as aforesaid shall not give notice as aforesaid, and not im-
 mediately, upon producing such account stated, satisfy, content,
 and pay the same, upon complaint and oath made thereof by
 any two witnesses, before two of his Majesty's justices for the
 village, town, township, city, district, or other place where
 such quarters were (which oath such justices are hereby autho-
 rized and required to administer) the paymaster or paymasters
 of his Majesty's guards and garrisons, upon certificate of the said
 justices before whom such oath was made, of the sum due up-
 on such accounts, and the persons to whom the same is owing,
 are hereby required and authorized to pay and satisfy the said
 sums out of the arrears due to the said officer or officers; upon
 penalty that such paymaster or paymasters shall forfeit their re-
 spective place or places of paymaster, and be discharged from
 holding the same for the future; and in case there shall be no
 arrears due to the said officer or officers, then the said paymas-
 ter or paymaster are hereby authorized and required to de-
 duct the sums, he or they shall pay pursuant to the certificates
 of the said justices, out of the next pay or subsistence money
 of the regiment to which such officer or officers shall belong:
 and such officer or officers shall, for every such offence, or for
 neglecting to give notice of the receipt of such pay or subsistence
 money as aforesaid, be deemed and taken, and is hereby de-
 clared, to be *ipso facto* cashiered.

subsistence-mo-
 ney in their
 hands;

and their a-
 counts to be
 paid off ac-
 cording to the
 rates of sub-
 sistence here
 established.

Officers not
 giving such
 notice,

the accounts
 to be dis-
 charged out
 of their ar-
 rears of pay;

if no arrears
 are due, then
 out of the
 subsistence-
 money of the
 regiment.

and the of-
 ficer to be ca-
 shiered.

XIII. And, where it shall happen that the subsistence-mo-
 ney due to any officer or soldier, within his Majesty's said do-
 minions in *America*, shall, by occasion of any accident, not be

On nonpayment of quarters, for want of money, the officer to make up the accounts and give certificates for the sums due.

paid to such officer or soldier, or such officer or soldier shall neglect to pay the same, so that quarters cannot be or are not paid as this act directs; and where any forces shall be upon their march, in his Majesty's said dominions in *America*, so that no subsistence can be remitted to them to make payment as this act directs: or they shall neglect to pay the same; in every such case, it is hereby further enacted, That every such officer shall before his or their departure out of his or their quarters, where such regiment, troop, or company shall remain for any time whatsoever, make up the accounts with every person with whom such regiment or company shall have quartered, and sign a certificate thereof, and give the said certificate, so by him signed, to the party to whom such money is due, with the name of such regiment or company to which he or they shall belong, to the end the said certificate may be forthwith transmitted to the paymaster of his Majesty's guards and garrisons, who is hereby required immediately to make payment thereof to the person or persons to whom such money shall be due, to the end the same may be applied to such regiment or company respectively; under pain as before in this act directed for nonpayment of quarters.

Justices may demand an account of quartering of the officers and soldiers in order to prevent and remedy abuses in quartering.

XIV. And, for the better preventing abuses in quartering or billeting the soldiers in his Majesty's dominions in *America*, in pursuance of this act, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any one or more justices of the peace, or other officer, within their respective villages, towns, townships, cities, districts, or other places, in his Majesty's said dominions in *America*, by warrant or order under his or their hand and seal, or hands and seals, at any time or times during the continuance of this act, to require and command any constable, tithingman, magistrate, or other chief officer, who shall quarter or billet any soldiers in pursuance of this act, to give an account in writing unto the said justice or justices, or other officer requiring the same, of the number of officers and soldiers who shall be quartered or billeted by them, and also the names of the house-keepers or persons upon whom, and the barracks and hired uninhabited houses, or other buildings as aforesaid, in which and where every such officer or soldier shall be quartered or billeted, together with an account of the street or place where every such house-keeper or person dwells, and where every such barrack or hired uninhabited house or building is or are, and of the signs (if any) which belong to their houses; to the end that it may appear to the said justice or justices, or other officer, where such officers or soldiers are quartered or billeted, and that he or they may thereby be the better enabled to prevent or punish all abuses in the quartering or billeting them.

Justices in pursuance of orders received, are to issue orders to

XV. And be it further enacted by the authority aforesaid, That for the better and more regular provision of carriages for his Majesty's forces in their marches, or for their arms, cloaths, or accoutrements, in his Majesty's said dominions in *America*, all justices

justices of the peace within their several villages, towns, townships, cities, districts, and places, being duly required thereunto by an order from his Majesty, or the general of his forces, or of the general commanding, or the commanding officer there shall, as often as such order is brought and shewn unto one or more of them, by the quarter-master, adjutant, or other officer of the regiment, detachment, or company, so ordered to march, issue out his or their warrants to the constables, tythingmen, magistrates, or other officers of the villages, towns, townships, cities, districts, and other places, from, through, near, or to which such regiment, detachment, or company, shall be ordered to march, requiring them to make such provision for carriages, with able men to drive the same, as shall be mentioned in the said warrant: allowing them reasonable time to do the same, that the neighbouring parts may not always bear the burthen: and in case sufficient carriages cannot be provided within any such village, town, township, city, district, or other place, then the next justice or justices of the peace of the village, town, township, city, district, or other place, shall, upon such order as aforesaid being brought or shewn to one or more of them, by any of the officers as aforesaid, issue his or their warrants to the constables, tythingmen, magistrates, or other officers, of such next village, town, township, city, district, or other place, for the purposes aforesaid, to make up such deficiency; and such constable, tythingman, magistrate, or other officer, shall order or appoint such person or persons, having carriages, within their respective villages, towns, townships, cities, districts, or other places, as they shall think proper, to provide and furnish such carriages and men, according to the warrant aforesaid; who are hereby required to provide and furnish the same accordingly.

XVI. And be it further enacted, That the pay or hire for rates of carriages. a *New York* waggon, carrying twelve hundred pounds gross weight, shall be seven pence sterling for each mile; and for every other carriage in that and every other colony in his Majesty's said dominions in *America*, in the same proportion; and at or after the same rate or price for what weight every such other carriage shall carry; and that the first day's pay or hire for every such carriage, shall be paid down by such officer to such constable, tythingman, magistrate, or other civil officer, who shall get or procure such carriages, for the use of the owner or owners thereof; and the pay or hire for every such carriage after the first day, shall be paid every day, from day to day, by such officer as aforesaid, into the hands of the driver or drivers of such carriages respectively, until such carriages shall be discharged from such service, for the use of the owner and owners thereof.

XVII. Provided always, and be it further enacted, That no such waggon, cart, or carriage, impressed by authority of this act, shall be liable or obliged, by virtue of this act, to carry above twelve hundred weight; any thing herein contained to the contrary notwithstanding.

XVIII. Provided also, That no such waggon, cart, or carriage,

constables to provide carriages for the troops on their march.

Carriages not obliged to carry above 12 cwt.

nor to travel
above 1 day's
March, unless
other carri-
ages cannot
be procured.

riages, shall be obliged to travel more than one day's march, if, within that time, they shall arrive at any other place where other carriages may be procured; but, in case other sufficient carriages cannot be procured, then such carriages shall be obliged to continue in the service till they shall arrive at such village, town, township, city, district, or other place, where proper and sufficient carriages, for the service of the forces, may be procured.

Penalty on
constables,
&c. neglect-
ing to provide
or furnish
carriages.

XIX. And be it further enacted by the authority aforesaid, That if any constable, tithingman, magistrate, or other civil officer, within his Majesty's dominions in *America*, shall wilfully neglect or refuse to execute such warrants of the justices of the peace, as shall be directed unto them for providing carriages as aforesaid; or if any person or persons appointed by such constable, tythingman, magistrate, or other civil officer, to provide or furnish any carriage and man, shall refuse or neglect to provide the same; or any other person or persons whatsoever shall wilfully do any act or thing whereby the execution of the said warrants shall be delayed, hindered, or frustrated; every such constable, tythingman, magistrate, civil officer, or other person so offending, shall, for every such offence, forfeit any sum not exceeding forty shillings sterling, nor less than twenty shillings, to be paid into the treasury of the province where any such offence shall be committed; to be applied towards the aforesaid contingent charges of the province; and all and every such offence or offences, and all and every other offence or offences, in this act mentioned, and not otherwise provided, shall and may be inquired of, heard, and fully determined, by two of his Majesty's justices of the peace dwelling in or near the village, town, township, city, district, or place, where such offence shall be committed; who have hereby power to cause the said penalty to be levied by distress and sale of the offenders goods and chattels, rendering the overplus (if any) to the owner.

Colony to re-
pay the ex-
tra expences
of carriages.

XX. And whereas the allowance hereby provided, for the payment of the carriages that may be necessary in the marching of troops, may not be a sufficient compensation for the same, and to satisfy the constables, tithingmen, magistrates, and other civil officers, their charges and expences therein; for remedy whereof, be it further enacted by the authority aforesaid, That the constables, tithingmen, magistrates, and civil officers, procuring such carriages, shall pay a reasonable expence or price for every carriage so procured; and that every such constable, tithingman, magistrate, civil officer, or other person, shall be repaid what he or they shall so expend, together with his or their own charges and expences attending the same, by the province or colony where the same shall arise.

Where car-
riages shall be
necessarily
provided for
long marches

XXI. Provided always, and be it further enacted by the authority aforesaid, That where it shall be necessary to take waggon or other carriages for long marches, beyond the settlements, an appraisement shall be made of the value of such horses and carriages, at the time of the taking them up to be employed in such

such marches beyond the settlements, by two indifferent persons, beyond the one to be chosen by the commanding officer of such forces, and settlements, the other by the owner of such cattle or carriages; a certificate the horses and of which appraisement shall be given to the owner or owners of carriages are to be fairly such cattle or carriages respectively: and in case any of the cat- appraised; tle or carriages, so taken up for such service, shall in the execution thereof, be lost or destroyed; that then, and in every such case, upon producing the said certificate and proper vouchers upon oath of such loss or destruction, to the paymaster general of his Majesty's guards and garrisons, the said paymaster shall, and he is hereby required to pay to the respective owners of such cattle or carriages, the sums specified, in such certificates and vouchers, to be the value of such cattle or carriages so lost or destroyed.

XXII. And whereas several soldiers, being duly enlisted in his Majesty's service, do often desert such service; for remedy whereof, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the constable, tithingman, magistrate, or other civil officer, of the village, town, township, city, district, or place, within the said dominions in *America*, where any person, who may be reasonably suspected to be such a deserter, shall be found, to apprehend, or cause him to be apprehended; and to cause such person to be brought before any justice of the peace or other chief magistrate living in or near such village, town, township, city, district or place, who hath hereby power to examine such suspected person; and if by his confession, or the testimony of one or more witnesses or witnesses upon oath, or the knowledge of such justice, of the peace, or other magistrate, it shall appear, or be found, that such suspected person is a listed soldier, and ought to be with the regiment or company to which he belongs, such justice of the peace or other magistrate shall forthwith cause him to be conveyed to the gaol of the village, town, township, city, district, county, or place where he shall be found, or to the house of correction or other publick prison in such village, town, township, city, district, county, or place, where such deserter shall be apprehended, and transmit an account thereof to the commander in chief of his Majesty's forces in the said dominions in *America*, or to the commanding officer of the forces posted nearest to such justice or justices, or other magistrate or magistrates, for the time being, to the end that such person may be proceeded against according to law: and the gaoler or keeper of such gaol, house of correction, or prison, shall receive the full subsistence of such deserter or deserters during the time that he or they shall continue in his custody for the maintenance of such deserter or deserters: but shall not be intitled to any fee or reward on account of the imprisonment of such deserter or deserters; any law, usage, or custom to the contrary notwithstanding.

XXIII. Provided always, That if any person shall harbour, conceal, or assist, any deserter from his Majesty's service within his Majesty's said dominions in *America*, knowing him to be such, Penalty on persons harbouring deserters;

or buying soldiers arms or clothes, &c.

such, the person so offending, shall forfeit for every such offence, the sum of five pounds; or if any person shall knowingly detain, buy or exchange, or otherwise receive, any arms, clothes, caps, or other furniture belonging to the King, from any soldier or deserter, or any other person, upon any account or pretence whatsoever, within his Majesty's dominions in *America*, or cause the colour of such clothes to be changed; the person so offending shall forfeit, for every such offence, the sum of five pounds; and upon conviction upon the oath of one or more credible witness or witnesses, before any of his Majesty's justices of the peace, the said respective penalties of five pounds, and five pounds, shall be levied by warrant under the hands of the said justice or justices of the peace, by distress and sale of the goods and chattels of the offenders; one moiety of the said first-mentioned penalty of five pounds to be paid to the informer, by whose means such deserter shall be apprehended; and one moiety of the said last mentioned penalty of five pounds to be paid to the informer; and the residue of the said respective penalties to be paid to the officer to whom any such deserter or soldier did belong: and in case any such offenders, who shall be convicted as aforesaid, of harbouring or assisting any such deserter or deservter; or having knowingly received any arms, clothes, caps, or other furniture belonging to the King; or having caused the colour of such clothes to be changed, contrary to the intent of this act, shall not have sufficient goods and chattels, whereon distress may be made, to the value of the penalties recovered against him for such offence, or shall not pay such penalties within four days after such conviction; then, and in such case, such justice of the peace shall and may, by warrant under his hand and seal, commit such offender to the common gaol, there to remain, without bail or mainprize, for the space of three months, or cause such offender to be publickly whipt, at the discretion of such justice.

Penalty on officer breaking open a house to search for deserters without warrant.

XXIV. And be it further enacted, That no commission officer shall break open any house, within his Majesty's dominions in *America*, to search for deserters, without warrant from a justice of the peace, and in the day-time; and that every commission officer who shall, in the night, or without warrant from one or more of his Majesty's justices of the peace (which said warrants the said justice or justices are hereby impowered to grant) forcibly enter into, or break open, the dwelling-house, or out-houses of any person whatsoever under pretence of searching for deserters, shall, upon due proof thereof, forfeit the sum of twenty pounds.

XXV. And whereas several crimes and offences have been and may be, committed by several persons, not being soldiers, at several forts or garrisons, and several other places within his Majesty's dominions in *America*, which are not within the limits or jurisdiction of any civil government there hitherto established; and which crimes and offences are not properly cognizable or triable and punishable, by a court-martial, but by the civil magistrate;

magistrate; by means whereof several great crimes and offences may go unpunished, to the great scandal of government; for remedy whereof, be it further enacted by the authority aforesaid, That from and after the twenty fourth day of *March*, one thousand seven hundred and sixty five, and for so long afterwards as this act shall continue in force, if any person or persons, not being a soldier or soldiers, do or shall commit any crime or crimes, or offence or offences, in any of the said forts, garrisons or places, within his Majesty's dominions in *America*, which are not within the limits or jurisdiction of any civil government hitherto established, it shall and may be lawful for any person or persons to apprehend such offender or offenders, and to carry, him, her, or them, before the commanding officer for the time being of his Majesty's forces there; and such offender being charged upon oath in writing, before the said commanding officer, and which oath the said commanding officer is hereby empowered to administer, that then, and in every such case, the said commanding officer shall receive and take into his custody, and safely keep, every such offender, and shall convey and deliver, or cause to be conveyed and delivered, with all convenient speed, every such offender to the civil magistrate of the next adjoining province, together with the cause of his or her detainer, to be committed and dealt with by such civil magistrates or magistrate according to law; and every such civil magistrate is hereby commanded and required to commit every such offender, that he or she may be dealt with according to law; and in every such case, it shall and may be lawful to prosecute and try every such offender in the court of such province or colony, where crimes and offences of the like nature are usually tried, and where the same would be properly tried in case such crime or offence had been committed within the jurisdiction of such court, and such crime shall and may be alledged to be committed within the jurisdiction of such court; and such court shall and may proceed therein to trial, judgement, and execution, in the same manner as if such crime or offence had been really committed within the jurisdiction of such court; any law, usage, custom, matter, or thing, whatsoever to the contrary notwithstanding.

XXVI. And be it further enacted by the authority aforesaid, That every bill, plaint, action, or suit, against any person or persons, for any act, matter, or thing, to be acted or done in pursuance of this act, or the said other in part recited act, in any of his Majesty's dominions in *America*, shall be brought and prosecuted in and before some principal court of record in the colony where such matter or thing shall be done or committed; and in case the same shall not be done or committed within the jurisdiction of any such court, then in the court of the colony next to the place where the same shall be done and committed, and in no other court whatsoever.

XXVII. And be it further enacted by the authority aforesaid, That where any troops or parties upon command have

Persons not being soldiers committing any offences in any fort or garrison, &c. not within the jurisdiction of any civil government,

may be apprehended; and being charged on oath with the offence,

may be committed to safe custody, till delivered over to the civil magistrate.

Suits in what courts to be prosecuted,

How the
troops are to
pay in passing
ferries.

occasion in their march, in any of his Majesty's dominions in *America*, to pass regular ferries, it shall and may be lawful for the commanding officer either to pass over with his party as passengers, or to hire the ferry-boat entire to himself and his party, debarring others for that time in his option; and in case he shall chuse to take passage for himself and party as passengers he shall only pay for himself and for each person, officer or soldier, under his command, half of the ordinary rate payable by single persons at any such ferry; and in case he shall hire the ferry-boat for himself and party, he shall pay half of the ordinary rate for such boat or boats; and in such places where there are no regular ferries, but that all passengers hire boats at the rate they can agree for, officers with or without parties are to agree for boats at the rates that other persons do in the like cases.

Pecuniary penalties to be paid at the rate of 4s. 3d. Sterling, the Spanish milled dollar.

XXVIII. And be it further enacted by the authority aforesaid, That all sum and sums of money mentioned in this act, and all penalties and forfeitures whatsoever to be incurred or forfeited for any offence, cause, matter, or thing whatsoever, to be done, committed, or omitted to be done in his Majesty's colonies and dominions in *America*, contrary to the true intent and meaning of this act, shall be, and shall be paid and forfeited in lawful money of the colony or place where the same shall be forfeited or become due, at the rate of four shillings and eight pence sterling money for a *Spanish* milled dollar, and not otherwise.

Limitation of actions.

XXIX. And be it further enacted by the authority aforesaid, That if any action, bill, plaint, or suit, shall be brought or commenced against any person or persons for any act, matter, or thing, done or acted in pursuance of this act, that it shall and may be lawful to and for all and every person or persons so sued

General issue.

to plead thereto the general issue that he or they are not guilty, and to give the special matter in evidence to the jury who shall try the cause; and if the verdict therein shall pass for the defendant or defendants, or the plaintiff or plaintiffs therein shall become nonsuit, or suffer a discontinuance, or by any other means judgement therein shall be given for the defendants or defendant therein; that in every such case the justice or justices, or other judge or judges of the court in which such action shall be brought, shall by force and virtue of this act allow unto such defendant or defendants his or their treble costs, which he or they shall have sustained, or be put to, by reason of the defence of such suit, for which cost such defendant and defendants shall have the like remedy as in other cases where costs are by the law given to defendants.

Treble costs.

This act to be in force from 24 March, 1765, to 24 March, 1767.

XXX. And be it further enacted by the authority aforesaid, That this act and every thing herein contained, shall continue and be in force in all his Majesty's dominions in *America*, from the twenty fourth day of *March*, in the year one thousand seven hundred and sixty five, until the twenty fourth day of *March* in the year of our Lord one thousand seven hundred and sixty seven.

C A P. XXXIV.

An act for applying the money granted in this session of parliament, for defraying the charge of the pay and cloathing of the militia of that part of Great Britain called England for one year, beginning the twenty fifth day of March, one thousand seven hundred and sixty five; and for punishing militia men for neglecting their duty.

WHEREAS the sum of eighty thousand pounds has been granted to his Majesty, for defraying the charge of pay and cloathing for the militia, for one year, from the twenty fifth day of *March*, one thousand seven hundred and sixty five: in order therefore that the charge of pay and cloathing for such militia may be duly and properly defrayed and satisfied; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That in every county, riding, or place, within that part of *Great Britain* called *England*, where the militia is or shall be raised, the receiver or receivers general of the land tax of such county, riding, or place respectively, shall issue and pay the whole sums required, in the manner and for the several uses, herein after mentioned; that is to say, for the pay of the said militia for four calendar months in advance, at the rate of six shillings a day for each adjutant, where an adjutant is appointed; and at the rate of one shilling for each serjeant, with the addition of two shillings and six pence a week for each serjeant major, where a serjeant major is appointed; and at the rate of six pence a day for each drummer, with the addition of six pence a day for each drum major, where a drum major is appointed; and also at the rate of six pence a month for each private man and drummer, for defraying the contingent expences of each regiment, battalion, or independant company of militia, one penny whereof shall be applied to defraying the hospital expences of each regiment, battalion, or independant company, during the time of the mens being from home, on account of their annual exercise; and also for half a year's salary for the clerk of each regiment or battalion of militia belonging to such county, riding, or place, at the rate of fifty pounds a year; and also for the respective allowances to the clerk of the general meetings, and clerks of the several subdivision meetings, at the rates following; that is to say, To the clerk of the general meetings, at the rate of five pounds five shillings for each meeting; and to the several clerks of the subdivision meetings, at the rate of one pound one shilling for each meeting; and also for the cloathing of the militia for such county, riding, or place, after the rate of three pounds ten shillings for each serjeant, and two pounds for each drummer, with the addition of one pound for each serjeant major, and each drum major; and with respect to the private militia men, where the militia hath been embodied, or having not been embodied, hath not been clothed within

Preamble.

Where the militia is or shall be raised, the receiver general of the county is to issue 4 months pay in advance, according to the establishment of pay here set down;

with half a year's salary to the regimental and battalion clerks; and the allowances to the clerks of the general and subdivision meetings; and pay for cloathing of the militia.

three years, at the rate of one pound ten shillings for each private man.

The above sums are not to be paid, if pay has not before been issued, till the ld. lieut. or deputies shall have certified to the treasury and receivers general the inrolment of 3 fifths of the men and officers.

The money is to be paid by the receiver-general to the clerk of the regiment or battalion (except the allowances to the clerks of the meetings) upon producing the warrant of his appointment; and for independent companies, to the respective captains, or to their order; according to the establishment laid down in the militia act of 2 Geo. 3.

A second payment is also to be made within 3 months after the first; and a third within three months after the second. Receipts of the persons to whom the money shall be so

II. Provided nevertheless, That in any county or place, where pay has not been yet issued for the militia, no pay shall be issued until his Majesty's lieutenant, or, in his absence, any three deputy lieutenants, of any such county, riding, or place, shall have certified to the commissioners of his Majesty's treasury, and to the receiver general of the land tax, That three fifths of the number of private militia men of such county, riding, or place, have been inrolled, and that three fifths of the proportion of their commission officers have accepted their commissions, and entered their qualifications as by law required.

III. And be it enacted, That all such sums of money aforesaid, except such as shall be due to the several clerks of the meetings aforesaid, shall, where the militia has never been embodied, be paid by the said receiver or receivers-general of the land tax, into the hands of the clerk or clerks of the regiments or battalions of militia belonging to such county, riding, or place, upon his or their producing his or their warrant or warrants of appointment to such office, under the hand and seal of his Majesty's lieutenant for such respective county, riding, or place; and where the militia has been embodied, into the hands of the clerk or clerks of the regiments or battalions, upon his or their producing his or their warrant or warrants of appointment to such office, under the hand and seal of the colonel, or, where there is no colonel, of the commanding officer of each regiment or battalion respectively, notwithstanding such militia shall have been disembodied; and where the militia shall be formed into an independent company, or independent companies, such sums as aforesaid shall be paid by the said receiver or receivers-general of the land tax, into the hands of the respective captain of each independent company of militia, or to such person as such respective captain shall authorize to receive the same, according to the number of persons hereby intitled to receive pay and cloathing, of which such regiment or regiments, battalion or battalions, independent company or independent companies, shall have been appointed to consist, according to the establishment laid down in an act passed in the second year of the reign of his present Majesty, intituled, *An act to explain, amend, and reduce into one act of parliament, the several laws now in being, relating to the raising and training the militia within that part of Great Britain called England*; and such receiver or receivers-general of the land tax shall also, within fourteen days after the expiration of the third calendar month from the time of the said first payment, make a second payment for four calendar months in advance; and shall also, within fourteen days after the expiration of the third calendar month from the time of the said second payment, make a third payment for four calendar months in advance, for the pay and contingent expences of the militia, and for the allowances to the regimental or battalion clerk or clerks aforesaid, in the proportions herein before mentioned; and the receipts of such clerk or clerks, and of such captain

captain of an independant company or captains of independant companies, or of such person or persons as such captain or captains shall so authorize to receive such money as aforesaid, shall be a sufficient discharge to such receiver or receivers-general of the land tax for the several sums of money so by him or them paid.

IV. And be it enacted, That the clerk of each regiment or battalion of militia shall forthwith, after the receipt of such sums of money as aforesaid, pay, or cause to be paid, one calendar month's pay in advance to the adjutant of such regiment or battalion respectively; and to the captain or commanding officer of each company belonging to such regiment or battalion, two months pay in advance for the serjeants, drummers, and the contingent expences of his respective company; out of which said contingent money each captain shall pay to the commanding officer of each regiment or battalion one penny a month for each private man and drummer, for the defraying the expences of the hospital; and also to the commanding officer of the company to which the serjeant-major and drum-major shall belong, two months pay in advance for such serjeant and drum-major; and so from time to time so long as any money on that account shall remain in his hands: which pay every such captain or commanding officer is hereby required to distribute to each person belonging to his company, by this act intituled to receive the same, as it shall become due; and shall, once in every year, give in to the clerk of the regiment or battalion to which such company shall belong, or, if captain of an independant company, to the receiver-general, an account of the several payments he shall have made in pursuance of this act, according to the following form:

County of	Dr.	Per Contra	Cr.
To cash received of Mr. regimental or battalion clerk, or receiver general, as the case shall be, for two months pay in advance		Paid serjeant for days pay from the of to the of following —	
		Ditto as serjeant-major (if one in the company)	
		Paid serjeant for days pay from the of to the of following —	
		Paid drummer days at six pence from the of to the of following —	
		Ditto as drum-major (if one in the company)	
		Paid drummer days from the of to the of following	
		Two months contingencies for men and two drummers, at six pence per month each	
			Theregi- battalion clerks are to pay in ad- vance one month's pay to the adju- tant; and 2 months pay to each captain, for the ser- jeants, drum- mers, and contingent expences of the said com- pany; captain to pay for each man 1 d. per month out of the contin- gent money, towards charges of the hospital; and for the ser- jeant major and drum- major; to be paid to the commanding officer of the company to which they belong; captains to distribute the pay accord- ingly; and account for the same yearly to the clerk or re- ceiver gene- ral, if an in- dependant company, ac- cording to the following form;

and pay back the surplus monies in his hands, except the contingent expences, which is to be accounted for, and applied to the general use of the regiment, &c. Captains of independant companies to distribute the pay to their men, and apply the money allowed for contingent expences. Clerk to retain money in his hands for his own salary; and discharge the cloathing bills.

When the lieuts. or deputies shall have fixed the days of exercise, they are to certify the same to the receiver-general, specifying the number of men, and days they shall be absent from home. Receiver-general to issue thereupon pay for officers and men to the regimental clerk, &c. Where there shall be independant companies only, the receiver-general is to issue pay to the captains, according to

And shall pay back to the said clerk, or to the receiver-general, as the case shall be, the surplus (if any) of the money by him from time to time received, and then remaining in his hands (except the money by this act allowed for contingent expences) which shall once in every year be accounted for by the captain of each company respectively, in manner aforesaid, and the balance thereof shall be by him paid into the hands of the clerk of the regiment or battalion to which such company shall belong, to be applied to the general use of the said regiment or battalion, as the field officers and captains thereof, or the greater part of them, shall direct; and the captain of each independant company is hereby required to distribute to each person belonging to his company intitled thereto, such money as he shall receive by virtue of this act; and the said money allowed for the contingent expences of each independant company of militia, shall be respectively applied to the particular use of such independant company, by the captain thereof.

V. And be it enacted, That the said regimental or battalion clerk may and shall retain to his own use, out of the money so by him received, such further sums as shall complete the allowance herein before made for his salary; and such regimental or battalion clerk shall pay to such person or persons as shall produce an order from the commanding officer of such regiment or battalion, such sums of money as shall be due and owing for or on account of the cloathing of the said regiments or battalions, not exceeding the rates herein before-mentioned.

VI. And be it further enacted, That whenever his Majesty's lieutenant, or any three or more deputy lieutenants, of any county, riding, or place, shall have fixed the days of exercise for the militia, he or they shall, as soon as may be, certify the same to the receiver-general of such county, riding or place, specifying the number of men, and the number of days such men are to be absent from home on account of such exercise; and such receiver-general is hereby required, within fourteen days after the receipt of such certificate, to issue and pay to the clerk of the several regiments or battalions, at the rate of seven shillings and six pence *per* day for the captain of each company, and at the rate of three shillings and six pence *per* day for each lieutenant, and of three shillings *per* day for each ensign; and also at the rate of one shilling *per* day for each private militia man, with the addition of six pence *per* day for each corporal of the militia, so to be called out to exercise, for the number of days such officers and men shall be absent from home on account of such exercise; and in such counties where there shall be independant companies only, the receiver-general of each such respective county shall issue and pay to the captains of the independant companies, at the rate of seven shillings and six pence *per* day for each captain, three shillings and six pence *per* day for each lieutenant, and three shillings *per* day for each ensign; and also at the rate of one shilling *per* day for each private militia man, with the addition of six pence *per* day for each cor-

poral

poral of the militia, so to be called out to exercise, for the number of days such officers and men shall be absent from home on account of such exercise; and the said regimental or battalion clerks are hereby required forthwith to pay the proportion of pay belonging to each captain of the said regiments or battalions, the proportion of pay belonging to each captain, and likewise the pay belonging to their respective companies.

VII. And be it further enacted, That the captain of each company shall make up an account of all monies received and paid by him on account of such exercise, according to the following form :

Captains to make up their account according to the following form ;

County of	Dr.	Per Contra	Cr.
To cash received of the regimental or battalion clerk, or receiver general, as the case shall be, for days pay of men	}	Paid militia men days Paid additional pay to corporals days	}

Which account shall be signed by the said captain, and countersigned by the commanding officer ; and such captain shall, within ten days after the time of such exercise, deliver such account, and pay the balance, if there be any due, to the regimental or battalion clerk ; or, if captain of an independant company, to the receiver-general : and such accounts shall be allowed as sufficient vouchers in the passing of the accounts of such receiver general, at the receipt of his Majesty's exchequer.

VIII. Provided always, and be it enacted, That where any regiment, battalion, or independant company of militia, is or shall be embodied, and called out into actual service, and there by the officers and private militia men are or shall be intitled to the same pay, as the officers and private men in his Majesty's other regiments of foot receive, all pay from the receiver or receivers general of the land tax for the county, riding, or place, to which such regiment, battalion, or independant company of militia shall belong, whether to the adjutants, serjeants, private militia men, or others ; and all money allowed as aforesaid for the contingent expences of such regiment, battalion, or independant company of militia ; and also the allowance to the clerk of such regiment or battalion, shall, during such time of actual service, and until such regiment, battalion, or independant company, shall be disembodied and returned home by order of their commanding officers, cease and not be paid.

IX. And be it enacted, That the said receiver or receivers of the land tax shall pay to the clerk of the general meetings his allowance, at the rate of five pounds five shillings for each meeting, upon his producing an order or orders for that purpose from his Majesty's lieutenant, or from three deputy lieutenants assembled at some general meeting or meetings ; and shall also pay to each and every the clerks of the subdivision meetings their several allowances, at the rate of one pound one shilling

to be signed by them, and countersigned by the commanding officer, and delivered with the balance to the clerk, or receiver general. Accounts allowed sufficient vouchers. During the time the troops are embodied, and called out into actual service, and receive pay as the King's other forces, all pay and allowances from the receivers general is to cease.

Receivers general to pay the allowances to clerks of the general meetings, and to the clerks of the subdivision meetings, for upon produc-

ing orders from the lieutenant or dep. lieutenants.

Orders to discharge receivers general. Regimental and battalion clerks to give security for paying and accounting for the monies received by them; the bonds to be lodged with the receivers general, and put in suit by them on non-performance of the condition; and they are intitled thereupon to full costs and charges, and 5 l. *per cent.* of the money recovered; the residue to be accounted for to the auditor.

The regimental and battalion clerks, and captains of independant companies, are to deliver in accounts of their receipts and disbursements, and pay over the balance to the receivers general; who are to transmit the accounts into the auditor's office. Recovery of penalties, &c.

for each meeting, upon his or their producing an order or orders from one or more deputy lieutenant, or deputy lieutenants assembled in the several subdivision meetings; which said order or orders shall be to the said receiver or receivers general of the land tax, a sufficient discharge for the payment of such allowances, and be allowed in his and their account.

X. Provided always, and be it enacted, That the clerk of each regiment or battalion of militia, shall give security to the receiver or receivers general of the land tax of the county, riding, or place, to which such regiment or battalion shall belong, by a bond to his Majesty in the penalty of one half of the sum required for the whole year's charge of the regiment or battalion of militia to which such clerk shall belong, for duly answering and paying such sums as he shall, from time to time, have received, and for duly accounting for the same, and for performance of the trust hereby in him reposed; which said bond shall be lodged in the hands of the receiver or receivers general of the land tax for the respective county, riding, or place, who, in case the said regimental or battalion clerk shall not duly perform the conditions comprized in the said bond, shall, and is hereby required forthwith to put the said bond in suit in the name of his Majesty, his heirs, and successors; the full costs and charges of which suit, in case judgement shall be given against such regimental or battalion clerk, shall be paid by him to the said receiver or receivers general of the land tax, who shall likewise be intitled to, and receive to his or their own use, at the rate of five pounds *per centum* out of all such monies as shall be by him or them recovered thereon; and shall account for the residue thereof with the proper auditor of his Majesty's revenue; the said receiver or receivers general of the land tax charging himself or themselves, therewith, upon the next account of the land tax to be by him or them passed.

XI. And be it enacted, That the clerk of every regiment or battalion of militia, and the captain of every independant company of militia, in every county, riding, and place within that part of *Great Britain* aforesaid, shall, between the twenty fifth day of *March* and the twenty fourth day of *June*, one thousand seven hundred and sixty five, deliver to the receiver or receivers general of the land tax for the county, riding, or place, to which such regiment, battalion, or independant company shall belong, a fair account in writing, of all monies by him received and disbursed for the service of the preceding year, in pursuance of this act, with proper vouchers for the same; and shall pay back to the said receiver or receivers general of the land tax, any surplus of such monies that shall then be in his hands; which said accounts signed by such regimental or battalion clerk, or by such captain of an independant company respectively, shall be transmitted by the said receiver or receivers general of the land tax, into the office of the proper auditor of his Majesty's revenue.

XII. Provided always, and be it enacted, That all penalties, all costs and charges of suit, and all sums of money for which any

any person or persons is or are by this act made answerable, may, and shall be recovered in any of his Majesty's courts of record at *Westminster*, by action of debt, bill, plaint, or information, wherein no essoin, wager at law, or protection, or more than one imparlance, shall be allowed.

XIII. Provided always, and be it enacted, That no fee or gratuity whatsoever, shall be given or paid for or upon account of any warrant or sum of money which shall be issued in relation to, or in pursuance of, this act.

XIV. Provided always, and be it enacted, That any person being on half-pay, and serving in the militia, shall and may, and he is hereby impowered to receive and take the subsistence-money, by this act directed to be paid to captains, lieutenants, or ensigns; and the receiving and taking such subsistence-money by any such captain, lieutenant, or ensign, shall not be deemed a receiving or taking pay, so as in any manner to prevent such person on half-pay receiving his half-pay; and such person shall take the following oath before some justice of the peace, who is hereby impowered to administer the same;

I A. B. do swear, That I had not, between the any place or employment of profit civil or military under his Majesty, besides my allowance of half-pay as a reduced in late regiment of save and except my subsistence as a lieutenant or ensign, as the case may be, for serving in the militia of the county of

No fee payable for any warrant or sum of money issued in pursuance of this act.

Officers on half-pay serving in the militia, may receive the subsistence-money payable to lieutenants or ensigns, they taking the following oath before a justice.

The oath.

And the taking the said oath shall be sufficient to intitle such person to receive his half-pay, without taking any other oath; any law, usage, or custom, to the contrary thereof notwithstanding.

XV. And whereas great difficulties occur in recovering one of the penalties inflicted by an act passed in the second year of his present Majesty's reign, intituled, *An act to explain, amend, and reduce into one act of parliament, the several laws now in being, relating to the raising and training the militia within that part of Great Britain called England*; which penalty is to enforce an attendance on the annual exercise, by punishing such militia men (not labouring under any infirmity incapacitating them) as shall not appear at the times and places of exercise appointed as by the said act is directed, which difficulties, if not timely removed, may prove detrimental to the service; be it therefore enacted by the authority aforesaid, That if any militia man (not labouring under any infirmity incapacitating him,) shall not appear at the time and place of exercise appointed as aforesaid, and at which he ought to appear in pursuance of the said act, every such militia man may, for every such offence, be apprehended, without any previous summons, by warrant from any one justice of the peace of the same county, riding, or place, or of any other county, riding, or place, within which such offender shall be found, upon oath made before such justice of the peace, that

A & 2. Geo. 1.

Militia man (not being incapacitated) neglecting to appear at the appointed time and place of exercise may be apprehended;

such

Oath being made before a justice of such default, and that he was inrolled, &c.

and also proof made of the hand writing of the clerk; and if he shall not make satisfactory proof of one or other of the three causes of excuse here allowed.

he shall forfeit sol.

and if not paid forthwith, he shall be committed for 6 months.

Justice may proceed against defaulters in like

such militia man did not appear at the time and place appointed as aforesaid for exercise; and upon producing also to the justice a certificate, signed by the clerk of the proper subdivision meeting of the county wherein such militia man was inrolled, that it appears to him, the said clerk, by the roll in his custody, that the said defaulter is, or, at the time of such offence committed, was a militia man for the county wherein he ought to have appeared as aforesaid, mentioning in such certificate the date of his inrollment; and also upon proof made upon oath before the said justice of peace, of the hand writing of the said clerk (both which oaths before-mentioned the said justice is hereby impowered to administer;) and if any militia man so apprehended as aforesaid, shall not prove to the satisfaction of the justice of peace, before whom he shall be brought on such warrant, that he the said militia man did, at the time appointed for such appearance, labour under some infirmity incapacitating him, or that he had then changed his place of abode, and removed upon such notice and certificate as in the said act is for that purpose directed, into the subdivision wherein he shall be dwelling at the time of his being so apprehended; or that he, at the time of such default of appearance, was inrolled also to serve in the militia of some other county, riding, or place, and hath thereby forfeited, and upon conviction thereof actually paid the penalty of ten pounds inflicted for that offence by an act passed in the fourth year of his present Majesty's reign, to explain and amend the above mentioned act, he the said defaulter (not making satisfactory proof as aforesaid of one or other of the said three causes of excuse) shall stand immediately convicted of his said offence by the justice of peace before whom he shall be so brought (whether such justice be of the same county, riding, or place for which such militia man is or was inrolled to serve, or of any other county, riding, or place) and the said justice of the peace shall then require and demand of such offender the immediate payment of the said penalty; and upon refusal or neglect to make such immediate payment into the hands of the said justice, or of such person as he shall then direct, for the use of the regiment or battalion of militia wherein such defaulter is or was inrolled, to serve as part of the common stock of such regiment or battalion, the justice of peace before whom such militia man shall be so convicted shall, by warrant, commit him to the common gaol of the county, riding, or place, where he shall be so convicted, there to remain without bail or mainprize for the space of six months, or until he shall have paid the said penalty of twenty pounds.

XVI. And to obviate any difficulties which may otherwise arise in carrying into execution a clause in the said act passed in the fourth year of his present Majesty's reign, whereby the like penalty and punishment are inflicted on militia men who, after having joined their corps, shall desert during the time of annual exercise, and shall not be taken till after the time thereof is expired, as are, by the above mentioned act of the second year of the

place, the said reign, inflicted on militia men neglecting to appear; be manner, as
 it enacted by the authority aforesaid, That one justice of the against militia
 peace in any county, riding, or place, wherein such deserter men neglect-
 shall be found, may proceed against such deserter in the same ing to appear
 manner, and execute the like powers in that case, as are here- at the ap-
 in before given in the case of militia men not appearing at time pointed time
 and place appointed for annual exercise. and place of
 annual exer-
 cise.

C A P. XXXV.

*An act for granting to his Majesty certain duties on the ex-
 portation of coals; and of severall East India goods; and
 upon policies of assurance for retaining, upon the exporta-
 tion of white callicoes and muslins, a further part of the du-
 ties paid on the importation thereof; and for obviating a
 doubt with respect to stamp duties imposed upon deeds by two
 former acts.*

Most gracious Sovereign,

WHEREAS by an act made in this session of parliament, Preamble.

certain annuities are granted in respect of several navy, victu-
 alling and transport bills, and charged upon the fund commonly called
 The Sinking Fund: we your Majesty's most dutiful and loyal sub-
 jects, the commons of Great Britain in parliament assembled, towards
 making good the payment of the said annuities so charged on the said
 fund, have resolved to give and grant unto your Majesty the several
 rates, duties, and sums of money, herein after mentioned; and do
 most humbly beseech your Majesty, that it may be enacted;
 and be it enacted by the King's most excellent majesty, by and
 with the advice and consent of the lords spiritual and temporal,
 and commons, in this present parliament assembled, and by the
 authority of the same, That from and after the first day of June,
 one thousand seven hundred and sixty five, there shall be raised,
 levied, collected, and paid, unto his Majesty, his heirs, and suc-
 cessors, for every chaldron of coals, Newcastle measure, which
 shall be shipped for exportation to any part beyond the seas,
 except to Ireland, the isle of Man, or the British dominions in
 America, an additional duty of four shillings, and after that rate
 for any greater or less quantity, over and above the present
 duties now payable for the same; which said additional duty
 hereby granted, shall be raised, levied, collected, and paid, in
 the same manner, and under such restrictions, penalties, and
 forfeitures, and by such rules, ways, and methods, as the for-
 mer duties payable to his Majesty, upon the exportation of
 coals, are raised, levied, collected, and paid, as fully and to all
 intents and purposes as if the several clauses, powers, directions,
 penalties, and forfeitures, relating thereto, were particularly re-
 peated and again enacted in the body of this present act.

From and af-
 ter 1 June,
 1765, the fol-
 lowing addi-
 tional duties
 are to take
 place; viz.
 4 s. per chal-
 dron on all
 coals shipped
 for exporta-
 tion to parts
 beyond seas,
 except to Ire-
 land, the isle
 of Man, and
 British domi-
 nions in Ame-
 rica;

II. And it is hereby further enacted by the authority afore- 5 l. per cent.
 said, That from and after the said first day of June, there shall ad valorem on
 be raised, levied, collected, and paid, unto his Majesty, his heirs, all wrought
 silks and

stuffs from
Persia, China,
and India;
and on print-
ed callicoes.

to be paid
without any
deduction,
&c.

Additional
clause to be
inserted in
the bond to
be given on
exportation
of the said
goods:

and a certi-
cate to be re-
turned of the
due landing
thereof;
if in America,
within 18
months.

Bond given on
goods entered
for Africa, not
to be dis-
charged, till
oath be made
by the master
of the due
landing and
disposal there-
of with-

and successors, for and upon all wrought silks, bengals, and
stuffs mixed with silk or herba, of the manufacture of *Persia*,
China, or *East India*, and upon all callicoes, printed, dyed,
painted, or stained there, which shall be shipped for exportation
from *Great Britain* to any part beyond the seas, except to *Africa*
or the *British* dominions in *America*, a subsidy of poundage of
twelve pence for every twenty shillings, of the true and real value
of such goods, according to the gross price at which they were
sold at the sales of the united company of merchants of *England*
trading to the *East Indies*, if the said goods were sold at the com-
pany's sales, or according to the gross price at which they were
sold at the custom-house sales, in case the said goods were after
condemnation sold there; which subsidy hereby granted shall
be paid without any allowance or deduction whatsoever; and
shall be raised, levied, collected, and recovered, in the same
manner, and by such ways and means, and under such penalties
and forfeitures, and with such allowances for goods lost or taken
at sea, as the subsidy of poundage for any goods and merchandizes
exported from this kingdom, may be raised, levied, collected,
and recovered, by any act of parliament now in force, as fully to
all intents and purposes as if the several clauses, powers, direc-
tions, penalties, and forfeitures, relating thereto, were particu-
larly repeated and again enacted in the body of this present act.

III. And it is hereby further enacted by the authority afore-
said, That from and after the said first day of *June*, upon the
entry of any wrought silks, bengals, and stuffs mixed with silk
or herba, of the manufacture of *Persia*, *China*, or *East India*, or
callicoes, painted, dyed, printed, or stained there, for exportation
to *Africa*, or the *British* dominions in *America*, the bond which
is now by law required to be given for the due exportation of
such goods, shall be with further condition, that the same shall
be there landed accordingly, and not in any other part or place
beyond the seas; and to produce a certificate within eighteen
months under the hands and seals of the collector, or other prin-
cipal officer of the customs, resident at the port or place in the
British dominions in *America*, for such of the said goods as shall
be entered for and landed there, testifying the landing thereof;
and for such of the said goods as shall be entered for *Africa*, the
bonds so as aforesaid entered into, shall not be delivered up or
discharged, until proof is made by the oath of the master, mate,
purser, or other person having the charge of the ship or vessel,
during the voyage in which the said goods were exported, that
the said goods and every part thereof, were fairly landed or dis-
posed of, in or on some part of the coast of *Africa*, and that no
part of the said goods had been relanded in any part of *Great*
Britain, or the islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or
Man, or either of them, or any other part or place beyond the
seas, except some part of *Africa*; and by the oath of the mer-
chant exporter (if living) that, to the best of his, her, or their
knowledge and belief, such goods had been disposed of at the
place or places mentioned in the oath made by the master, mate,
purser,

purser, or other person, having the charge of the ship or vessel, during the voyage; which proof shall be made within eighteen months from the date of each respective bond, before the collector and comptroller, or other principal officer of the customs, at the port for the time being where such bonds shall be entered into, who are hereby respectively empowered to administer the same; and in case no such proofs shall be made as aforesaid, within the time herein before mentioned, it shall and may be lawful for the respective commissioners of the customs in *Great Britain*, to cause such bonds to be put in suit, unless they shall find sufficient cause to forbear the same; any law, custom, or usage, to the contrary in any wise notwithstanding.

out being re-landed, &c. and be confirmed by the exporter's oath.

Proof to be made within 18 months; otherwise the bond to be put in suit.

IV. And be it further enacted by the authority aforesaid, That from and after the said first day of *June*, there shall be raised, levied, collected, and paid, unto his Majesty, his heirs, and successors, for every skin or piece of vellum or parchment, or sheet or piece of paper, upon which shall be ingrossed, written, or printed, any policy of assurance to be made or entered into within the cities of *London* or *Westminster*, or elsewhere within the limits of the weekly bills of mortality, over and above all other duties, an additional stamp duty of two pence; and for every skin or piece of vellum or parchment, or sheet or piece of paper, upon which shall be ingrossed, written, or printed, any policy of assurance to be made or entered into within all other parts of *Great Britain*, over and above all other duties, an additional stamp duty of two shillings and six pence.

After 1 June, 1765, an additional duty of 2 d. to take place on all policies and assurances within the weekly bills;

and of 2 s. 6 d. within all other parts of Great Britain.

V. And be it further enacted by the authority aforesaid, That all powers, regulations, provisions, articles, clauses, penalties, forfeitures, distribution of penalties and forfeitures, and all other matters and things prescribed, inflicted, and appointed, by any former act or acts of parliament, relating to the duties on vellum, parchment, and paper (not hereby altered) shall be in full force and effect, with relation to the additional stamp duties hereby imposed; and shall be applied and put in execution, for the managing, raising, levying, collecting, securing, receiving, and paying thereof, and accounting for the same, as fully to all intents and purposes, as if such powers, regulations, provisions, articles, clauses, penalties, forfeitures, distribution of penalties and forfeitures, and other matters and things, were herein repeated, re-enacted, and applied to the said stamp duties hereby granted.

Clauses and provisions, &c. in other acts, relating to the duties on vellum, parchment, and paper, extended to the additional duties here laid.

VI. And be it further enacted by the authority aforesaid, That if any person or persons shall counterfeit or forge, or procure to be counterfeited or forged, any seal, stamp, or mark, to resemble any seal, stamp, or mark, directed or allotted to be used by this act for the purpose of denoting the duties by this or any other act of parliament granted on policies of assurance; or shall counterfeit or resemble the impression of the same, thereby to evade the payment of any of the said duties; or shall utter, vend, or sell, any vellum, parchment, or paper, liable to any such stamp duties, with such counterfeit stamp,

The counterfeiting or forging any of the stamps or seals.

or vending counterfeit stamps.

or fraudulent-
ly using the
legal ones,
is felony,
without bene-
fit of clergy.

10 per cent.
of the duties
payable on
the importa-
tion of white
callicoes,
and muslins,
besides the
one half of
the old sub-
sidy, is to be
retained on
the exporta-
tion thereof
to parts be-
yond seas,
except to A-
frica, and the
British Ame-
rican planta-
tions.

Act 11 & 12
W. 3.

& 3 & 4
Anne.

Addition to
the oath to be
made on ex-
portation of
white calli-
coes and-
muslins.

Landing the
said goods,
&c. otherwise
than where
entered for;
is forfeiture
of double the
amount of
the drawback,

stamp, mark, or impressiion thereon (knowing the same to be counterfeit) or shall privately or fraudulently use any seal, stamp, or mark, allowed to be used by this act relating to the said stamp duties, with intent to defraud his Majesty, his heirs and successors, of any of the said duties; every such person so offend- ing, and being thereof lawfully convicted, shall be adjudged a felon, and shall suffer death as in cases of felony, without bene- fit of clergy.

VII. And it is hereby further enacted by the authority afore- said, That from and after the said first day of *June*, there shall be retained out of the duties which shall have been paid upon the importation of white callicoes or muslin, for such of the said goods as shall be exported from this kingdom without having been printed, stained, painted, or died therein, to any parts or places be- yond the seas (except to *Africa*, or the *British* colonies and planta- tions in *America*) besides the one half of the rate or duty common- ly called *The Old Subsidy*, which now remains, and is not drawn back for the same, the further sum of two pounds for every one hundred pounds of the true and real value of such goods, ac- cording to the gross price at which they were sold at the sale of the united company of merchants trading to the *East Indies*; which sum of two pounds shall be retained, without any abate- ment or deduction, out of the net duties granted on such goods respectively by two several acts of parliament, the one made in the eleventh and-twelfth year of the reign of King *William* the Third, intituled, *An act for laying further duties upon wrought silks, muslins; and some other commodities of the East Indies; and for en- larging the time for purchasing certain reversionary annuities therein mentioned*; and the other made in the third and fourth year of the reign of Queen *Anne*, intituled, *An act for continuing duties upon low wines; and upon coffee, tea, chocolate, spices, and pictures; and upon hawkers, pedlars, and petty chapmen, and upon muslins; and for granting new duties upon several of the said commodities; and also up- on callicoes, china ware, and drugs; any law, usage, or custom, to the contrary notwithstanding.*

VIII. And it is hereby further enacted by the authority afore- said, That from and after the said first day of *June*, if any white callicoes or muslin shall be entered for exportation, from this kingdom to any part of *Africa*, in every case where the exporter is required by any law now in force to swear that such goods are not landed or intended to be landed in *Great Britain, Ireland, the Isle of Man*, or any *British* colonies or plantations in *Ameri- ca*, there shall also be added to and included in the oath upon the debenture for such goods, “or any other place whatsoever in “parts beyond the seas (except *Africa*):” and if any such white callicoes or muslins so entered for *Africa*, shall nevertheless be carried to, and landed at, any other place or country in parts beyond the seas, the exporter of such goods, and the master or person having the charge of the ship or vessel on board which the same were laden and exported, shall forfeit double the a-
mount

mount of the drawback paid or to be paid for the same, and also treble the value of the said goods.

IX. And be it further enacted by the authority aforesaid, That the monies arising by the several and respective additional duties by this act granted, and also from such part of the duties as are hereby directed to be retained, and not drawn back on the exportation of callicoos and muslins (the necessary charges of management, and of raising, collecting, receiving, paying, and accounting for the said monies, excepted) shall, from time to time, be paid respectively into the receipt of his Majesty's exchequer at *Westminster*, distinctly and apart from all other branches of the publick revenue, and shall be carried to and made part of the fund commonly called *The sinking fund*, towards making good the annuities payable in respect of the said navy, victualling, and transport bills, charged upon the said fund by an act of this session of parliament.

X. And whereas some doubts have arisen, whether vellum, parchment, and paper, containing policies of assurance and charter parties, are subject to the stamp duties granted in respect of deeds, by two acts of parliament made in the twelfth year of the reign of her late majesty Queen *Anne*, and the thirtieth year of the reign of his late majesty King *George* the Second; it is hereby declared and enacted by the authority aforesaid, That the stamp duty of six pence imposed by an act made in the twelfth year of the reign of her said late majesty Queen *Anne*; and also the stamp duty of one shilling imposed by an act made in the thirtieth year of the reign of his said late majesty King *George* the Second, on every skin or piece of vellum or parchment, or sheet or piece of paper, upon which shall be ingrossed, written, or printed, in *Great Britain*, any indenture, lease, bond, or other deed, not thereby respectively otherwise charged, shall be deemed and taken to extend to, and are hereby extended to charge every skin or piece of vellum or parchment, or sheet or piece of paper, upon which shall be ingrossed, written, or printed, any policy of assurance, or any charter party, made or entered into with *Great Britain*, after the said first day of *June*.

XI. And be it further enacted by the authority aforesaid, That every deed, instrument, note, memorandum, letter, or other minument or writing, between the captain or master, or owner of any ship or vessel, and any merchant, trader, or other person, in respect to the freight or conveyance of any money, goods, wares, merchandize, or effects, laden or to be laden on board of any such ship or vessel, shall be deemed and adjudged to be a charter party.

XII. And it is hereby enacted by the authority aforesaid, That if any person or persons shall at any time be sued or prosecuted for any thing by him or them done or executed in pursuance of this act, or of any matter or thing in this act contained, such person or persons shall and may plead the general issue, and give this act and the special matter in evidence; and if it shall appear so to have been done, the jury shall find for the de-

and treble value of the goods.

These duties, &c. to be paid into the exchequer apart from all other branches of the publick revenue,

and to be carried into the sinking fund.

Policies of assurance and charter parties subject to the 6d. duty imposed by act 12 Annæ, and to the 1s. duty imposed by act 30 Geo. 2.

What shall be deemed a charter party.

General issue.

defendant or defendants: and if the plaintiff or plaintiffs shall become nonsuited, or discontinue his or their action, after the defendant or defendants shall have appeared; or if judgement shall be given, upon any verdict or demurrer, against the plaintiff or plaintiffs, the defendant or defendants shall recover treble costs, and have the like remedy for the same, as defendants have in other cases by law.

Treble costs.

C A P. XXXVI.

An act to explain, amend, and enforce, the several laws now in being relating to the raising and training the militia within that part of Great Britain called England.

Preamble, re-
citing clause
in act 2
Geo. 3.

WHEREAS by an act of parliament made in the second year of his present Majesty's reign, intituled, An act to explain, amend, and reduce into one act of parliament, the several laws now in being relating to the raising and training the militia within that part of Great Britain called England, it is enacted, That in all counties and places where the militia had not been raised by virtue or in pursuance of the former acts for that purpose, or by virtue or in pursuance of the said act, the sum of five pounds should be annually paid, for and in lieu of every private militia man therein mentioned to be raised within the same; and that his Majesty's lieutenant of every such county and place, or any three or more deputy lieutenants, at the expiration of every year in which the militia for such county and place shall not be raised, shall, from year to year, certify the same in writing under his or their hands; and also the whole amount of the several sums of five pounds per man, to be raised on such county not raising the militia as aforesaid, to the justices of the peace, at their general or quarter sessions next held, after the full end and accomplishment of the said year, for such respective county or place: and whereas doubts have arisen, whether such lieutenants are compellable to make such certificates according to the intent and meaning of the said act, and also at what time each respective year ends or is accomplished; for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in parliament assembled, and by the authority of the same, That from and after the passing of this act, every year, with respect to the certificate herein after directed to be made by his Majesty's lieutenants, or the deputy lieutenants, of each respective county, riding, or place, not raising the militia, shall be deemed and taken to end and be accomplished on the second *Tuesday* in *May* in each respective year; and his Majesty's lieutenants of every county, riding, and place wherein the militia shall not have been raised, or shall not continue to be raised pursuant to, and by virtue of, the several acts of parliament for raising and training the militia of this kingdom, shall, and they, and each and every of them, is and are hereby required to certify in writing under his and their hand and hands, yearly and every year, to the justices of the peace of each respective county, riding and place,

The year, with respect to certificates to be made by lieuts. and dep. lieuts. of counties, the militia whereof has not been duly raised, is to end on the 2d Tuesday in May in every year; and the certificates to be

place, at their general or quarter sessions which shall be next holden after the second *Tuesday* in *May* in each year, that the militia has not been raised for such county or place for the preceeding year; and also the whole amount of the several sums of five pounds *per* man to be raised on such county, riding or place, as aforesaid.

II. And whereas it may happen that some of his Majesty's lieutenants may be in parts beyond the seas, and thereby be incapable of certifying in the manner directed by the said recited act and this act; be it therefore further enacted by the authority aforesaid, That in case any of his Majesty's lieutenants shall be in parts beyond the seas, such lieutenants, and each and every of them, is and are hereby required, by writing under their respective hands and seals, to appoint three or more deputy lieutenants to certify as aforesaid; and such deputy lieutenants, or some one or more of them, for each respective county, riding, and place, is and are hereby required to certify the same accordingly, to the justices of the peace assembled at their general or quarter sessions as aforesaid.

III. And whereas in some counties there may happen to be no lieutenants, by means whereof the several laws now in being, for raising and training the militia, cannot be carried into execution; for remedy whereof, be it further enacted by the authority aforesaid, That in such counties, ridings, or places, as may happen to have no lieutenant, three or more of the deputy lieutenants in such county, riding, or place, to be nominated and appointed by his Majesty's sign manual, are hereby authorized and empowered to proceed and do every act and acts that are necessary for the carrying into execution the several powers of the said acts of the second and fourth years of his present Majesty's reign, and of this act.

IV. And be it further enacted by the authority aforesaid, That in case any of his Majesty's lieutenants shall be in parts beyond the seas, and no deputy lieutenants shall be appointed to certify as aforesaid for any county, riding, or place, the clerk of the peace for such county, riding, or place, shall, and he is hereby required to certify as aforesaid to the justices of the peace at their general quarter sessions assembled; and the said justices of the peace are hereby required to proceed on such certificate of the clerk of the peace, in the same manner as if such certificate had been made by his Majesty's lieutenant in manner aforesaid.

V. And whereas by an act made in the fourth year of the reign of his present Majesty, intituled, *An act to explain and amend an act passed in the second year of the reign of his present Majesty, intituled, An act to explain, amend, and reduce into one act of parliament, the several laws now in being, relating to raising and training the militia within that part of Great Britain called England*; it is enacted, That in all cases where the militia had not been raised, or should not at any time thereafter continue to be raised, for any county or riding, within which any city, town,

made to the quarter sessions next after; together with the amount of the sums to be raised.

Where the lieut. of any county shall be beyond seas, he is to appoint three or more dep. lieuts. who are to certify accordingly.

In counties, &c. where there shall be no lieut. three or more d. lieuts. appointed under the royal sign manual, are to carry the recited acts into execution.

Where the lieut. shall be beyond seas, and no d. lieuts. appointed, the clerk of the peace is to certify.

Clause in act 4 Geo. 3.

town, or place, should not be rated to the rate called *The county rate*, the payment of the said sum of five pounds *per man*, upon the number of private militia men directed to be raised within every county or riding, should be divided and apportioned between each respective county and riding, and each such respective city, town, and place, within the same, and should be paid in the manner directed by the said act: and whereas doubts have arisen about the method of enforcing the payment of such sum and sums of money, as is and are in and by the said act of the fourth year of his present Majesty directed to be paid by such cities, towns, and places, as are not rated to the said rate called *The county rate*; for remedy whereof, be it further enacted by the authority aforesaid, That if any sum or sums of money, which ought to be paid by any such city, town, or place, not rated to the county rate as aforesaid, shall not be paid to the treasurer of the respective county, riding, or place, before the tenth day of *September*, in every year, according to the true intent and meaning of the said act of the fourth year of his present Majesty's reign, and of this act, the justices of the peace for such county, riding, or place, shall, and they are hereby required, at the next *Michaelmas* quarter sessions, to issue out an order to the overseers of the poor of each respective parish or place, within each city, town, or place, not rated to the county rate as aforesaid, requiring such overseers to certify and return to the said justices at their next *Christmas* quarter sessions, the several *Quota's* that each parish or place (within such city, town, or place, not paying to the county rate as aforesaid) pays to the land tax for that year; and such overseers of the poor are hereby required to make such certificate and return accordingly; and upon such certificate and return being made, the said justices so assembled at their *Christmas* quarter sessions, are hereby authorized and required (by their bench warrant, directed to any constable or tythingman, within such respective parishes and places) to cause the same to be levied by distress and sale of the goods and chattels of any churchwarden or churchwardens, or any overseer or overseers of the poor of each and every parish or place within such city, town, or place, not paying to the county rate as aforesaid, rendering the overplus (if any) to the owners of such goods and chattels, after such sum and sums of money, together with the reasonable charges attending such distress and sale, shall be fully paid and satisfied; and such churchwardens and overseers of the poor shall be reimbursed the sum and sums of money so levied on them respectively, by the same ways and means as overseers of the poor are reimbursed the money by them expended for the relief of the poor by any laws now in being.

Where the sums payable by virtue of the recited act, by any city or place, not rated to the county rate, shall not be paid by 10 Sept. yearly, to the treasurer of the county, the justices at their quarter sessions are to issue an order to the parish overseers to certify to the Xmas quarter session their respective Quota's to the land tax; and according thereto, a bench warrant is to be issued, for levying the sum on the churchwardens and overseers,

who are to be reimbursed the same in like manner as the poor rates.

VI. And whereas it frequently happens, that persons inrolled to serve in the militia, insist themselves to serve in his Majesty's other forces, before the time of their service in the militia is expired, to the great prejudice of both services; and it is found by experience, that the provisions in the said act of the second year

year of his present Majesty's reign have been ineffectual for preventing this practice; for remedy whereof, be it further enacted, by the authority aforesaid, That from and after the passing of this act, if any person who is sworn and inrolled to serve in the militia, shall presume to enlist in his Majesty's other forces, contrary to the true intent and meaning of the said act, and of this act, the overseer of the poor of the parish or place for which such man serves, shall, as soon as it comes to his knowledge, acquaint the adjutant of the regiment to which such militia man belongs, with such enlisting; and such adjutant shall forthwith apply to one of his Majesty's justices of the peace; and it shall and may be lawful for such justice of the peace for the county, riding, or place, for which any person so enlisted was inrolled to serve in the militia as aforesaid, to issue his warrant to apprehend such militia man; and such adjutant is hereby empowered to send any serjeant or serjeants, drummer or drummers, belonging to such militia, to search for and apprehend, by virtue of such warrant, any militia man so enlisted as aforesaid; and it shall and may be lawful for any of his Majesty's justices of the peace for any county, riding, or place, where any such militia man shall or may be found, to indorse such warrant (upon application made to him for that purpose) and to cause such militia man to be apprehended and brought before him, or some other justice of the peace for the county, riding, or place, where such militia man shall be apprehended: and if it shall appear upon oath (which oath such justice is hereby empowered to administer) to the justice before whom such person shall be brought, that such person was inrolled to serve in the militia at the time of his enlisting to serve in his Majesty's other forces as aforesaid, and did not acquaint the officer enlisting him therewith, such justice is hereby required, by warrant under his hand and seal, to commit the person so offending to the house of correction of and belonging to the county, riding, or place, where such militia man shall be so apprehended, there to be kept to hard labour for any time not exceeding three months; and such enlisting shall be, and the same is hereby declared to be, null and void; unless the officer with whom such person shall have so enlisted shall, within the space of twenty days, pay to the overseer or overseers of the poor of the parish or place for which such militia man served, the sum of five pounds; which said sum of five pounds shall be applied in the same manner as the money directed to be paid for militia men so enlisting as aforesaid is, by the said act of the second year of his present Majesty's reign, directed to be applied.

Where any person inrolled in the militia shall enlist in his Majesty's other forces, the overseer of the parish is to acquaint the adjutant therewith; who is to apply to a justice for a warrant, and send in pursuit of the offender; and the warrant may be backed by any other justice:

and if it appear that the officer enlisting was not acquainted with such inrollment, the offender is to be committed to hard labour for 3 months, and the enlisting is void; unless the officer pay 5l. to the overseer, within 20 days, to be applied as by act 2 Geo. 3. is directed.

CAP. XXXVII.

An act for laying certain duties upon Gum Senega and Gum Arabic imported into or exported from Great Britain, and for confining the exportation of Gum Senega from Africa to Great Britain only.

WE, your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, to-
Preamble.
wards

wards raising, in such manner as may be least burthenfome to your Majesty's subjects, the necessary supplies for defraying the publick expences, have resolved to give and grant unto your Majesty the several rates and duties herein after-mentioned, and do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of *June*, one thousand seven hundred and sixty five, there shall be raised, collected and paid, unto his Majesty, his heirs and successors, the several rates and duties following; that is to say,

From and after 24 June, 1765, the additional duties following to take place; viz.

On every Cwt. of Gum Senega and Gum Arabic imported, 6d.

For every hundred weight avoirdupois of *Gum Senega* or *Gum Arabic*, which shall be imported into *Great Britain*, the sum of six pence, over and above all other duties imposed by any former act of parliament.

And for every hundred weight avoirdupois of *Gum Senega* or *Gum Arabic*, which shall be exported from *Great Britain* to any parts beyond the seas, the sum of one pound ten shillings, over and above all other duties imposed thereon by any former act of parliament; and after those rates for any greater or less quantity of such goods.

Duties to be paid down, without discount; and without drawback;

II. And be it further enacted by the authority aforesaid, That the said duties hereby charged upon *Gum Senega* or *Gum Arabic* imported into *Great Britain*, shall be paid down in ready money without any discount or allowance; and shall not be afterwards drawn back or repaid upon the exportation of the same goods; and shall be raised, levied, collected, and paid, in the same manner and form, and by such rules, ways, and means, and under such penalties and forfeitures, as are prescribed or appointed for raising, levying, collecting and paying, the duty of customs upon goods imported into this kingdom, by any act or acts of parliament now in force; and that the aforesaid duty hereby charged upon *Gum Senega* or *Gum Arabic* exported from *Great Britain*, shall be paid down without any allowance or deduction whatsoever, and shall be raised, levied, collected and recovered, in the same manner, and by such ways and means, and under such penalties and forfeitures, and with such allowances for goods lost at sea, as the subsidy of poundage for any goods and merchandizes exported from *Great Britain* may be raised, levied, collected and recovered, by any act of parliament now in force, as fully to all intents and purposes as if the several clauses, powers, directions, penalties and forfeitures respectively relating thereto, were particularly repeated and again enacted in the body of this present act.

and to be paid into the exchequer di-

III. And be it further enacted by the authority aforesaid, That the money arising by the several rates and duties herein before granted (except the necessary charges of raising, collect-

ing,

ing, recovering and paying the same) shall, from time to time, be paid into the receipt of his Majesty's exchequer, distinctly and apart from all other branches of the publick revenue; and after satisfying the charges laid thereupon by any act of this session of parliament, shall be there reserved, to be from time to time disposed of by parliament.

IV. And whereas it may be for the benefit and encouragement of the manufactures of this kingdom, to confine the exportation of *Gum Senega* from *Africa* to *Great Britain* only; be it therefore enacted by the authority aforesaid, That from and after the twenty fourth day of *June*, one thousand seven hundred and sixty five, no *Gum Senega* shall be exported from any port or place upon the coast of *Africa*, unto any other place unless to *Great Britain* only, under the like securities, penalties, and forfeitures, as are particularly mentioned in an act of parliament made in the twelfth year of the reign of King *Charles* the Second, intituled, *An act for the encouraging and increasing of shipping and navigation*; and also in an act of parliament made in the twenty second year of his said majesty King *Charles* the Second, intituled, *An act to prevent the planting of tobacco in England, and regulating the plantation trade*, or either of them, with respect to the goods in those acts particularly enumerated; and all the provisions, powers, and clauses, in the said recited acts, or in any other act of parliament now in force, for restraining the importation of any of the goods therein enumerated to *Great Britain*, or some of his Majesty's plantations, shall be applied, practised, and put in execution, for restraining and securing the importation of *Gum Senega* into *Great Britain*, according to the true intent and meaning of this act, as fully as if the several provisions, powers, and clauses relating thereto, were particularly repeated and again enacted in this present act; any law, custom, or usage, to the contrary notwithstanding.

Exportation of *Gum Senega* from *Africa* confined to *Great Britain* only, under like securities and penalties as are mentioned in act 12 Car. 2.

& act 22 Car. 2.

C A P. XXXVIII.

An act to continue part of an act made in the thirtieth year of the reign of his late majesty King George the Second, intituled, An act to render more effectual the several laws now in being, for the amendment and preservation of the publick highways and turnpike roads of this kingdom; and for making further provisions for the preservation of the said roads.

WHEREAS by an act made in the thirtieth year of the reign of his late majesty King George the Second, intituled, *An act to render more effectual the several laws nows in being, for the amendment and preservation of the publick highways and turnpike roads of this kingdom, it was amongst other things enacted, That during the time of seven years, to be computed from the twenty fourth day of June, one thousand seven hundred and fifty eight, the trustees appointed or to be appointed by virtue or under the authority of any act of parliament made, or to be made, for making, repairing,*

Preamble, re-citing clauses in act 30 Geo. 2.

or amending turnpike roads, or such person or persons as are or shall be authorized by them, shall and may, and they are hereby required to demand and take for every waggon, wain, cart, or carriage having the fellies of the wheels thereof of less breadth or gage than nine inches from side to side at the least, at the bottom or sole thereof, or for the horses or beasts of draughts drawing the same, one half more than the tolls or duties which are or shall be payable for the same respectively by any act or acts of parliament made, or to be made, for making, amending, or repairing turnpike roads; except carts or carriages drawn by one horse or two oxen, or by two horses or four oxen, having the fellies of the wheels thereof of the breadth or gage of six inches, at the bottom from side to side: and it is by the said act recited, That there are in several acts of parliament made for making, amending and repairing turnpike roads, exemptions allowed from payment of tolls in particular cases in the said acts respectively mentioned, and liberties allowed in particular cases to pay lesser tolls than are charged upon other waggons, carts or carriages, passing through turnpike gates or bars; and that it would tend to the advantage and preservation of turnpike roads, to confine such exemptions, liberties, privileges and advantages, to carriages with wheels of the breadth or gage of nine inches; it is therefore enacted, That during the time aforesaid, no persons shall, by virtue of any of the said acts of parliament, have, claim or take, the benefit or advantage of any exemption from tolls, or part of tolls, or to pay lesser toll for or in respect of any waggon, wain, cart or other carriage, or horses drawing the same, than other carriages of the like nature ought to pay, unless such waggon, wain, cart or carriage, have fellies of the wheels thereof of the breadth or gage of nine inches, except as before excepted: and it is thereby also enacted, That during the time aforesaid, it shall not be lawful for any waggon or wain, having the fellies of the wheels thereof of the breadth or gage of nine inches as aforesaid, to pass upon any turnpike road, or through any turnpike gate or bar, unless the same be drawn by horses, or beasts of draught, in pairs; provided, that where there is an odd horse, or beast of draught, belonging to such waggon or wain, it should be lawful for such odd horse or beast of draught, to draw such waggon or wain, together with the other horses, or beast of draught, drawing in pairs; and provided, that such horses, or beasts of draught, do not in the whole exceed the number of horses, or beasts of draught, allowed by law; and that it should not be lawful for any waggon or wain, having the fellies of the wheels thereof of less breadth or gage than nine inches, to pass upon any turnpike road, or through any turnpike gate or bar, if the same be drawn by horses or beasts of draught, in pairs, and not by oxen: and it is thereby likewise enacted, That any person driving, or causing to be driven, on any turnpike road, any common stage waggon thereby prohibited, shall be punished for the same by indictment or information, and shall at the election of the prosecutor or informer, for every such offence, be subject and liable to the like penalties and forfeitures as the owners of waggons and carriages, having the fellies of the wheels of less breadth or gage than nine inches from side to side, are made subject and liable to, by an act made in the

twenty

twenty sixth year of the reign of his late majesty King George the Second, intituled, An act for the amendment and preservation & act 16 Geo. 2. of the publick highways and turnpike roads of this kingdom, and for the more effectual execution of the laws relating thereto; to be paid and applied to such uses and purposes, and to be levied and recovered, as is thereby directed; and that no composition shall be made for or in respect of any waggon, wain, cart or carriage, or horses or beasts of draught drawing the same, unless such waggons, wains, carts and carriages, have the fellies of the wheels thereof of the breadth or gage of nine inches; except as before excepted: and whereas it will tend to the advantage and preservation of turnpike roads, that so much of the said act as is herein before recited should be further continued; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That so much of the said act as is herein before recited, shall (except only where the same is hereby altered or varied) be further continued from the said twenty fourth day of *June*, one thousand seven hundred and sixty five, for and during the time or term of seven years.

So much of the said act here recited as is not otherwise altered by this act, is continued for the further term of 7 years.

II. Provided always, That nothing herein contained shall extend, or be construed to extend, to continue a clause in the said act, which enacts, That during the continuance of the said act, the trustees appointed or to be appointed by virtue or under the authority of any act of parliament, made or to be made, for making, repairing, or amending, turnpike roads, and such person and persons as shall be authorized by them, shall and may, and they are hereby required to permit and suffer all waggons, wains, carts, and carriages, having the fellies of the wheels thereof of the breadth or gage of nine inches from side to side, at the bottom or sole thereof, and drawn according to law, to pass through any turnpike gate or gates, bar or bars, within one hundred miles from *London*, upon paying only so much tolls or duties as shall not exceed one half of the full toll or duty payable for such waggons, wains, carts and carriages respectively, or for the horses or beasts of draught, drawing the same, by virtue of any act or acts of parliament made, or to be made, for making, repairing, or amending, turnpike roads; but the said clause, and every matter and thing therein contained, shall, from and after the said twenty fourth day of *June*, one thousand seven hundred and sixty five, cease and determine; except the wheels of such waggons and wains shall be fixed thereto in the manner hereafter described and directed.

Clause in the recited act, granting particular exemptions from paying full tolls to broad wheel carriages, repealed;

except the wheels shall be fixed in manner herein described.

III. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, the trustees appointed or to be appointed by any act of parliament, passed or to be passed, for the making, repairing, or amending, any turnpike road, or any person authorized and appointed by them, shall, during the time aforesaid, permit and suffer all waggons and wains, having the axle-trees thereof of such dif-

How the wheels are to be fixed in order to intitle carriages to the exemption from full tolls.

ferent lengths, that the distance from wheel to wheel, of one pair of the said wheels, be not more than four feet two inches, to be measured at the ground; and that the distance from wheel to wheel, of the other pair thereof, be such, that the fore and hind wheels of such waggons and wains shall roll a surface of at least sixteen inches wide, on each side of the said waggons or wains; and having the fellyes of the wheels thereof of the breadth of nine inches from side to side, at the bottom or sole thereof; to pass upon any turnpike road, and through any toll gate or bar, upon paying only so much of the tolls and duties as shall not exceed one half of the full toll or duty payable, or by this act intended to be paid, for all waggons or wains having the fellyes of the wheels of the breadth or gage of nine inches from side to side, or for the horses or beasts of draught, drawing the same, and not rolling a surface of sixteen inches, in the manner herein before set forth.

Surveyor permitting any obstruction to remain on the roads,

forfeits 40s.

Appeal may be made to the quarter sessions.

Where trustees shall neglect to meet on the day appointed for their first, or any adjourned meeting; or for want of adjournment; two trustees, or the clerk, may appoint a meeting, giving due notice.

IV. And be it further enacted, That if any surveyor or surveyors, or other person or persons, having the care of any turnpike road, shall, during the time aforesaid, suffer to be or remain, for the space of forty eight hours, in any part thereof, within twelve feet on either side of the middle of such road, any post or posts, heap or heaps of stone, rubbish or earth, set up or raised in or above the surface of the said road, by which the passage thereof shall or may be obstructed, impeded, confined or straitened, such surveyor or other person shall forfeit and pay to the informer the sum of forty shillings; to be recovered before one justice of the peace, whether such justice be or be not a trustee of such road; and shall be levied by distress and sale of the goods and chattels of such person or persons, by warrant under the hand and seal of such justice, which warrant such justice is hereby impowered to grant: and if any person or persons shall think him, her or themselves, aggrieved by the determination of such justice, he, she or they may appeal to the general quarter sessions of the peace, who shall finally determine the matter, and allow such costs, not exceeding forty shillings, to either party, as such sessions shall think fit; in which case no *Certiorari* shall lie or be brought.

V. And whereas the trustees appointed or to be appointed, by any act or acts of parliament made or to be made, for making, amending or repairing, any particular highways or roads, may have neglected, or may hereafter neglect, to meet on the day appointed, or to be appointed, by any such act or acts respectively, for their first meeting; or to meet on the day appointed or to be appointed by adjournment for their meeting, or for want of a proper adjournment; by which means, or some, or one of them, the intent of the said act or acts may be frustrated; be it therefore enacted by the authority aforesaid, That in all or either of the said cases, it shall be lawful for any two or more of the trustees appointed or to be appointed by the said acts respectively, or their clerk or clerks, to cause notice in writing to be affixed on all the turnpikes that shall be then erected on the said

respective roads, or, if no turnpikes shall be then erected, to cause the like notice to be affixed, in the most conspicuous place, in one of the principal towns or places nearest to which the roads directed to be repaired do lie, at least ten days before the intended meeting, appointing such trustees to meet at such place where the preceding meeting was appointed to have been held, or at the place directed for the first meeting of such trustees, if no preceding meeting shall have been held; and the said trustees when met, in pursuance of such notice, shall and may, and they are hereby required to proceed to carry such act or acts into execution in the same, and as full and ample a manner, to all intents and purposes, as they might or could have done if no such neglect had happened.

VI. And whereas by an act of parliament made in the twenty sixth year of the reign of his late majesty King George the Second, intituled, *An act for the amendment and preservation of the publick highways and turnpike roads of this kingdom, and for the more effectual execution of the laws relating thereto*; it is, amongst other things enacted, That it shall and may be lawful for any waggon, or other four wheel carriage, having the fellies of the wheels thereof of the breadth or gage of nine inches, to travel, pass or be driven, upon any turnpike road, with any number of horses, or beasts of draught, not exceeding eight; and for every cart, or other two wheel carriage, having the fellies of the wheels thereof of the breadth or gage aforesaid, with any number of horses, or beasts of draught, not exceeding five; without being subject or liable to be weighed at any crane, machine or engine: and whereas great damage hath been done to the turnpike roads in many parts of this kingdom, by the excessive weights which have been carried by such waggons and carts; be it therefore enacted by the authority aforesaid, That so much of the said recited act of the twenty sixth year of his said late Majesty, as exempts such waggons, carts and carriages, from being weighed at any crane, machine or engine, shall be, and the same, is hereby repealed; and that it shall and may be lawful to and for all trustees appointed, or who shall hereafter be appointed, by any act or acts of parliament for the repair of any highway or highways within that part of *Great Britain* called *England*, or for any five of them, at any or as many gate or gates, bar or bars, which they have erected or shall erect for the receiving of any toll or tolls, or at any other convenient place upon the said roads, during the time aforesaid, to order or cause to be built or erected, if they think fit, any crane, machine, or engine, which they shall judge proper for the weighing of waggons, carts, or other carriages, for the conveying of any goods or merchandize; and by writing signed by them, or any five of them, to order all and every or any waggons, carts or carriages (although the fellies of the wheels of such waggons, carts, or carriages, shall be of the breadth or gage of nine inches) which shall pass through any such gate or bar, or which shall pass any such crane, machine or engine, to be weighed, together with

Clause in act
26 Geo. 2.

So much of
the recited
act, as ex-
empts broad
wheel carri-
ages from be-
ing subject to
be weighed,
is repealed;

and the tru-
stees are im-
powered to
erect weigh-
ing engines,

and order all
such carriages
as well as
others, to be
weighed
thereat;
(except those
with regulated
the wheels)

and take (over and above the tolls) 20s. per Cwt. for all waggons weighing above 6 ton ;

& 20s. per Cwt. for all carts above 3 ton ;

to be applied to the repair of the said roads.

Act 14 Geo. 2.

3 Will. & Mary.

Trustees not obliged to erect engines in pursuance of the said acts, for weighing broad wheel carriages.

Where hedges or fences shall be made within 30 feet of the centre of turnpike roads not inclosed on both sides ; or ground ploughed within 15 feet of the same ; the hedges are to be taken down at the expence of the owner ;

the lading thereof (except such waggons and wains as aforesaid, the fore and hind wheels of which shall roll a surface of at least sixteen inches wide, on each side of such waggons and wains) ; and for them, or any five or more of them, or for any person or persons impowered by them, or any five or more of them, to receive and take, over and above the toll already granted, or hereafter to be granted, the sum of twenty shillings a hundred weight, for every hundred weight which every such wagon, together with the loading thereof, shall weigh, over and above the weight of six ton ; and also the sum of twenty shillings a hundred weight, for every hundred weight which every such cart or other carriage, together with the loading thereof, shall weigh, over and above the weight of three ton ; and that the money arising from such additional duties of twenty shillings a hundred weight, shall be applied to the repair of such highway or highways, where such gate or gates, bar or bars, are or shall be placed ; any thing contained in the said recited act to the contrary thereof notwithstanding.

VII. Provided always, That nothing in an act, intituled, *An act for the preservation of the publick roads, in that part of Great Britain called England*, passed in the fourteenth year of his late majesty King George the Second ; nor in an act, intituled, *An act to explain and amend an act passed in the fourteenth year of his Majesty's reign, intituled, An act for the preservation of the publick roads, in that part of Great Britain called England* ; and so much of an act passed in the third year of the reign of King William and Queen Mary, intituled, *An act for the better repairing and amending the highways, and for settling the rates of the carriage of goods* ; as relates to the settling of the rates of the carriage of goods, passed in the twenty first year of his said late Majesty, nor in this act, shall be understood to compel the trustees of any turnpike road to erect any crane, machine, or engine, for the weighing carts, waggons, or other carriages, having wheels of the breadth of nine inches, or to weigh the same.

VIII. And whereas inconveniencies have arisen for making hedges or other fences, and from ploughing or breaking up the soil of lands or grounds, near the middle or centre of turnpike roads ; for remedy thereof, be it further enacted by the authority aforesaid, That after the passing of this act, no person shall make, or cause to be made, any hedge, or other fence, on any turnpike road not inclosed on both sides, within the distance of thirty feet, or plough or break up the soil of any land or ground within the distance of fifteen feet, from the middle or centre of any turnpike road made or to be made within this kingdom : and if any person shall hereafter make, or cause to be made, any hedge or fence contrary hereto, within the distance of thirty feet from the middle or centre of any turnpike road, it shall be lawful for the trustees for the care of such road, or any five or more of them, to cause such hedge or fence to be taken down at the expence of the person or persons to whom the same shall belong ; and

and in case such person shall neglect or refuse to pay such expence to the said trustees, or such person or persons as they, or any five or more of them, shall appoint to receive the same, it shall and may be lawful for any one or more justice or justices of the peace for the county or place where the offence shall be committed, by warrant under his or their hand and seal, or hands and seals (which warrant such justice or justices is and are hereby authorized and impowered) to levy the same by distress and sale of the offenders goods and chattels, rendering the overplus to the owner on demand: and if any person shall hereafter plough or break up the soil of any land or ground within the distance of fifteen feet from the middle or centre of any turnpike road, such person shall forfeit the sum of forty shillings; and it shall and may be lawful for any one or more justice or justices of the peace of the county or place where such offence shall be committed, upon complaint to him or them made upon oath (which oath such justice or justices is and are hereby authorized and required to administer) to levy the same by distress and sale of the offender's goods and chattels, rendering the overplus to the owner, on demand.

and the person ploughing within the prohibited distance, forfeits 40s.

IX. And be it further enacted, That if any person or persons shall think him, her, or themselves aggrieved, by the determination of such justice of the peace, he, she, or they, may appeal to the general quarter session of the peace, who shall finally determine the matter of such appeal, and allow such costs, not exceeding forty shillings, to either party, as such session shall think fit; in which case no *Certiorari* shall lie or be brought.

Persons aggrieved may appeal to the quarter sessions.

X. And whereas the trustees of several turnpike roads are not sufficiently impowered to punish nuisances in the several roads under their care; be it therefore further enacted by the authority aforesaid, That the said trustees of the several roads respectively, or any five or more of them, may, and they are hereby required, if they shall think fit, to direct prosecutions by indictment against the offender or offenders for any nuisance done, committed, or continued, in, to, or upon, any of the turnpike roads under their care respectively, at the expence of the revenues belonging to such turnpike roads respectively.

Trustees may prosecute for nuisances committed on the roads.

XI. And be it enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done or acted in pursuance of this act; then, and in every such case, such action or suit shall be commenced or prosecuted within six calendar months next after the fact committed, and not afterwards; and the same, and every such action or suit, shall be brought in the county, riding, or place, where the person, against whom such action or suit shall be commenced, doth ordinarily inhabit and reside, or in the county or riding where the fact was committed, and not elsewhere; and the defendant or defendants, in every such action or suit, shall and may plead the general issue, and give this act and the special matter in evidence, at any trial to be had thereupon; and that the same was done in pursuance and by the authority of this

Limitation of actions.

General issue.

present act: and if the same shall appear so to have been; or if any such action or suit shall be brought after the time herein before limited for bringing the same, or be brought or laid in any other county, riding, or place, than as afore-mentioned, then the jury shall find for the defendant or defendants; or if the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action, after the defendant or defendants shall have appeared; or if, upon demurrer, judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for recovery thereof, as any defendant or defendants hath or have in any other cases by law.

Treble costs.

CAP. XXXIX.

An act for more effectually preventing the mischiefs arising to the revenue and commerce of Great Britain and Ireland, from the illicit and clandestine trade to and from the Isle of Man.

Preamble, re-
citing clause
in act 7 Geo. 1.

WHEREAS by an act of parliament made in the seventh year of the reign of King George the First, intituled, An act for the further preventing his Majesty's subjects from trading to the East Indies under foreign commissions; and for encouraging and further securing the lawful trade thereto; and for further regulating the pilots of Dover, Deal, and the Isle of Thanet; it is, amongst other things enacted, That no commodity of the growth, product or manufacture of the East Indies, or other places beyond the Cape of Good Hope, shall be imported or carried into the islands of Jersey, Guernsey, Alderney, Sark or Man, or other places in the said act mentioned, but such only as shall be bona fide, and without fraud, loaden and shipped in Great Britain, in ships navigated according to law, under the penalty of forfeiting all such goods, or the value thereof, together with the ship or vessel in which they shall be imported, with all her guns, tackle, furniture, ammunition, and apparel, to be seized and prosecuted as in the said act is directed: and whereas great quantities of tea and other goods of the product or manufacture of the East Indies, and other places beyond the Cape of Good Hope, are imported from foreign parts and landed in the Isle of Man, contrary to the said in part recited act of parliament; which goods, as well as great quantities of brandy and other foreign liquors, are brought from the said Isle of Man, and clandestinely run ashore in this kingdom, to the great prejudice of the trade and revenues thereof: to prevent which practices for the future, and to render the said act, as well as several other acts of parliament relative to the trade and revenues of this kingdom, more effectual; may it please your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That from and after the first day of June, one thousand seven hundred and sixty five,

Power given
to the officers
of the customs

all

all and every officer and officers of his Majesty's customs and excise, shall have the same powers and authorities for visiting and searching of ships and vessels in any bay, harbour, river, creek, or other place, in, of, or belonging to, the said *Ile of Man*, as are by any act of parliament provided for such officers visiting and searching ships or vessels within the ports or on the coasts of *Great Britain*; and to seize and secure, either on the land or water, in the manner directed or allowed by the several acts of parliament in force in *Great Britain*, any goods which have been brought or imported into the said *Ile of Man*, contrary to this or to any other act of parliament, or which shall be landed there, without payment of any duties which may be due and payable to his Majesty, his heirs and successors.

and excise, to visit and search ships in the *Ile of Man*, and to seize contraband goods.

II. And it is hereby further enacted by the authority aforesaid, That from and after the first day of *June*, one thousand seven hundred and sixty five, no wrought silks, bengalls, and stuffs mixt with silk or herba, of the manufacture of *Persia*, *China*, or *East India*, nor callicoed painted, dyed, printed, or stained there, nor any cambricks or *French* lawns, shall be exported from *Great Britain* to the *Ile of Man*; and if any such goods shall be shipt or laden, or shall be concealed in the same package with any other goods which are entered for, or are intended to be laden on board any ship or vessel bound from *Great Britain* to the said *Ile of Man*, such goods shall be forfeited, as well as the goods contained in the same package therewith, whether the same shall be shipt or laden, or not; and shall and may be seized and prosecuted by any officer of his Majesty's customs.

Prohibited goods imported thither from *Great Britain*, may be seized; and are forfeited, together with the package.

III. And it is further enacted, That the *Ile of Man* shall be added to, and included in, the bond which is now by law required to be given, that such goods shall be duly exported, and not relanded again in any part of *Great Britain*.

IV. And it is hereby further enacted by the authority aforesaid, That from and after the first day of *July*, one thousand seven hundred and sixty five, no foreign brandy, arrack, rum, strong waters, or spirits whatsoever, shall be imported or carried into the *Ile of Man*, but such only as shall be *bona fide*, and without fraud, laden and shipt in *Great Britain*, and carried thither directly from thence, upon the forfeiture of such goods, or the value thereof, together with the ship or vessel in which they shall be imported or carried, with all her guns, furniture, ammunition, tackle, and apparel, to be seized and prosecuted as is hereafter directed.

Ile of Man to be included in the bond to be given on exportation of such goods from *Great Britain*. No foreign brandy or spirits to be imported into the said *Ile*, but from *Great Britain* directly; on forfeiture of the goods and vessel.

V. And it is hereby further enacted by the authority aforesaid, That from and after the twenty ninth day of *September*, one thousand seven hundred and sixty five, no rum, or other spirits, shall be shipped or laden on board any ship or vessel in any *British* colony or plantation in *America*, but on condition that the same shall not be carried to, or landed in, the *Ile of Man*, under the like securities, penalties, and forfeitures, as are prescribed and mentioned in two acts of parliament made in the twelfth and twenty fifth years of the reign of King *Charles* the

Spirits shipped in *America* to be conditioned not to be landed in the *Ile of Man*; under the penalties of acts 12 & 25 Car. 2.

Second,

Second, the former intituled, *An act for the encouraging and increasing of shipping and navigation*, and the latter intituled, *An act for the encouragement of the Greenland and Eastland trades, and for the better securing the plantation trade*, or either of them, with respect to the goods in those acts particularly enumerated; any law, custom, or usage, to the contrary notwithstanding.

No foreign spirits to be exported from the said island, carried coastwise in casks under 60 gallons; or wines to be imported, or exported, or carried coastwise in casks under 25 gallons, and in ships not less than 100 tons; on forfeiture of the ship and goods.

Vessels found hovering on the coast, &c. with prohibited goods on board,

are liable to forfeiture, together with the goods.

No spirits to be imported into Great Britain from

VI. And it is hereby further enacted by the authority aforesaid, That from and after the first day of *June*, one thousand seven hundred and sixty five, no foreign brandy, arrack, rum, strong waters, or spirits whatsoever, shall be exported from the *Isle of Man*, or carried coastwise from one part of the said isle to another, in any ship or vessel of less burthen than one hundred tons; nor in any vessel or cask under sixty gallons (except only for the use of the seamen then belonging to, and on board such ship, or vessel, not exceeding two gallons for each seaman, nor shall any wine be imported into, or exported from, the said island, or carried coastwise from one part of the said island to another, in any vessel or cask that shall contain less than twenty five gallons, nor in any ship or vessel of less burthen than one hundred tons, upon forfeiture of all such goods, together with the ship, or vessel, and all her tackle, furniture, and apparel, to be seized and prosecuted as herein after is directed.

VII. And be it further enacted by the authority aforesaid, That from and after the first day of *July*, one thousand seven hundred and sixty five, where any ship or vessel whatsoever, having on board any goods, which by this or any other act of parliament passed in *Great Britain*, are made liable to forfeiture for being brought or imported into, or exported from, or carried coastwise in the *Isle of Man*; or where any ship or vessel arriving from *Great Britain*, having on board any goods prohibited to be exported from thence into the *Isle of Man*, shall be found in any bay, harbour, river, or creek, of or belonging to the said *Isle of Man*, or at anchor; or hovering within three leagues of the shores thereof; or shall be discovered so to have been (unless in case of unavoidable necessity and distress of weather, of which necessity and distress, the master, purser, or person, having or taking the charge or command of such ship or vessel, shall, immediately after the arrival of such ship or vessel into any bay, harbour, river, or creek, of or belonging to the said *Isle of Man*, give notice and make proof of before the collector or other chief officer of the customs resident at the nearest port in the said island) all such goods, together with the ship or vessel in which the same shall be found, with all her guns, tackle, furniture, ammunition, and apparel, shall be deemed and taken to be forfeited within the intent and meaning of this and such other acts whether bulk shall then have been broken or not, and shall and may be seized by any officer or officers of the customs or excise.

VIII. And be it further enacted by the authority aforesaid, That from and after the first day of *June*, one thousand seven hundred and sixty five, no brandy, rum, strong waters, or spirits, of any kind whatsoever, shall be brought or imported from the

the *Ile of Man* into *Great Britain*; or *Ireland*, upon any pretence whatsoever; and where any ship or vessel coming or arriving from the said *Ile of Man*, and having on board any such brandy, rum, strong waters, or spirits (except only for the use of the seamen then belonging to and on board such ship or vessel, not exceeding two gallons for each seaman) or any other goods or commodities which are prohibited to be imported from thence into *Great Britain* or *Ireland*, shall be found at anchor, or hovering within the limits of any of the ports of *Great Britain* or *Ireland*, or within three leagues of the shores thereof, or shall be discovered so to have been, and not proceeding on her voyage, wind and weather permitting, unless in case of unavoidable necessity and distress of weather; (of which necessity and distress, the master, purser, or other person, having or taking the charge or command of such ship or vessel, shall give notice to, and make proof of, before the collector or other chief officer of the customs of such port as aforesaid, immediately after the arrival of such ship or vessel into the said port) all such goods, together with the ship or vessel in which the same shall be so brought or imported, or on board which such goods shall be found as aforesaid, with all her guns, tackle, furniture, ammunition, and apparel, shall be forfeited (whether bulk shall then have been broken or not) and the same shall and may be seized and sued for by any officer or officers of the customs or excise.

the *Ile of Man*.
Vessels coming from thence, with spirits or prohibited goods on board, found hovering on the coast,
are liable to be forfeited, together with the goods.

IX. And it is hereby further declared and enacted by the authority aforesaid, That all seizures made in pursuance of the powers given by this act, shall and may be brought to any port in *Great Britain* or *Ireland*, or into any port in the *Ile of Man*, and shall and may be prosecuted in any of his Majesty's courts of record at *Westminster* or *Dublin*, or in the court of *Exchequer* in *Scotland*, or in any courts to be holden in his Majesty's name, or by virtue of his authority, in the said *Ile of Man*, at the election of the informer or prosecutor, and after condemnation, disposed of and divided in the same manner, and by the same rules, regulations and restrictions, as are prescribed and practised in respect to seizures made in *Great Britain*: and all the powers, provisions, articles, and clauses, in any act of parliament contained for the indemnity, ease, benefit, or relief, of officers of the customs or excise, making seizures in *Great Britain* or *Ireland* respectively, shall be observed, applied, practised, and put in execution, as well with respect to any seizure or prosecution made or carried on in pursuance of this act, as with respect to any action, suit, or prosecution, that may be brought or commenced against any officer or officers of the customs or excise, for any thing done in pursuance thereof, as fully and effectually to all intents and purposes as if the same were particularly and at large re-enacted in the body of this present act.

Seizures where to be secured and prosecuted.

X. And it is hereby further enacted by the authority aforesaid, That from and after the first day of *June*, one thousand seven hundred and sixty five, if any ship or vessel liable to seizure, either for importing any goods into, or exporting any goods for

Licensed goods found on board vessels liable to seizure,

are to be lodg-
ed in the
King's ware-
houses,

till claimed ;

and the officer
is indemnified.

If no claim
be made with-
in 20 days,

the goods are
to be adver-
tized ;

and notice
sent to the
consignee, if
known ;

and if not
claimed with-
in 6 months,

the said *Ile of Man*, or for having any goods on board, contrary to this act, shall, at the time of seizure, be laden with any goods which are not liable to forfeiture, it shall and may be lawful for the officer seizing such ship or vessel, to bring such last mentioned goods, with the vessel in which the same shall be laden as aforesaid, to *Great Britain or Ireland*, or into any of the ports of the said *Ile of Man*, and to secure such goods in his Majesty's warehouses until such time as the owner or proprietor of such goods, or the master of the vessel, or some other person duly authorized by letter of attorney from such owner or proprietor, attested by a notary public in the usual form, shall apply for the same to the respective commissioners of the customs or excise at *London or Edinburgh*, or to the commissioners of the revenue at *Dublin*, or to the collector or other principal officer of the customs or excise by whom the goods shall be secured ; and such goods shall be thereupon delivered to the person so applying ; to be disposed of as by law he may, upon giving a receipt for the same ; and the officer seizing such ship or vessel, or any person acting in his aid or assistance, or in securing such goods, shall not be liable to any action, suit, or prosecution, on account of the stoppage or detention of such goods.

XI. Provided always, and it is hereby further enacted, That in case no application shall be made for such goods as aforesaid, within the space of twenty days after the same shall be secured, in his Majesty's warehouse, the said respective commissioners of the customs or excise in this kingdom, or the commissioners of the revenue in *Ireland*, shall, with all convenient speed, cause the name or description of the vessel on board which such goods were laden, with the names of the master or commander thereof, and of the officer by whom she was seized, and the port to which she was brought, to be published for three several weeks successively in the *London Gazette*, if such goods shall be secured in any port of *England*, and in any publick news paper printed at *Edinburgh*, if the goods shall be secured in *Scotland*, and in the *Dublin Gazette*, if the said goods, shall be secured in any port within the kingdom of *Ireland* ; and if it shall appear to the said respective commissioners, by any papers on board the vessel, to whom the said goods are consigned, the said respective commissioners shall cause the like notice to be transmitted to such consignee, by the common post ; and in case the said goods shall be brought to the said *Ile of Man*, and secured there, the collector, or other principal officer of the customs or excise, by whom the same shall be secured, shall cause the like notice to be affixed to the castle in *Castle Town*, and to the publick market-house in the town of *Douglas* ; and if no application shall be made as aforesaid, for such goods, within the space of six months after such notice has been given, published and transmitted, in the manner before directed, it shall and may be lawful for the said respective commissioners of the customs and excise in *Great Britain*, and the commissioners of the revenue in *Ireland*, and the collector or other principal officer of the customs or excise by whom the said goods are

are secured in *The Isle of Man*, to cause the said goods to be publickly sold by auction or inch of candle to the best advantage, and to apply the produce thereof, first, to or towards the charges of warehouse room, and other charges that shall arise thereon; next, to the customs and duties that shall or may be due and payable for such goods; and the overplus (if any) to the proprietor or other person authorized to receive the same.

they are to be publickly sold, and the duties and charges to be paid thereout.

XII. Provided always, That in case the said goods, or any part thereof, shall be perishable in their nature, it shall and may be lawful for the said respective commissioners and officers aforesaid, to cause the same to be forthwith sold, and the produce disposed of and applied in the manner herein before directed.

Where the goods shall be perishable, they may be sold forthwith.

XIII. And it is hereby further enacted by the authority aforesaid, That from and after the first day of *June*, one thousand seven hundred and sixty five, for every ship or vessel that shall set sail out of or from *Great Britain* or *Ireland*, for any part of *Africa*, or any of his Majesty's dominions out of this realm, sufficient bond shall be given, with one surety besides the master, to the collector or other principal officer of the customs of the port or place from whence the said ship or vessel shall depart, to the value of one thousand pounds, if the said ship or vessel shall be of less burthen than one hundred tons, and of the sum of two thousand pounds, if the ship shall be of greater burthen, with condition that such ship or vessel shall not, during the course of the voyage, take on board any stores, goods, or merchandizes whatsoever, at the *Isle of Man*, nor out of or from any ship, vessel, or boat, at sea or elsewhere, any stores, goods, or merchandizes, which shall have been brought from thence; which bond shall continue in force for one year, from and after the completion of the voyage; and in case no fraud shall appear within that time, it shall and may be lawful for the respective commissioners of his Majesty's customs in *Great Britain*, or the commissioners of the revenue in *Ireland*, or any three or more of them, to direct the said bond to be delivered up.

Vessels sailing from Great Britain or Ireland, for Africa, &c. to give bond and surety,

conditioned not to take in any goods or stores at the Isle of Man, nor out of any vessel from thence.

XIV. And it is hereby further enacted by the authority aforesaid, That from and after the first day of *June*, one thousand seven hundred and sixty five, all officers acting in the execution of this act shall be subject to the same penalties, forfeitures, and disabilities, for any corruptions, frauds, connivances, concealments, or collusive agreements, in breach of their duty, as they would be liable to if such offences were committed in *Great Britain*; and that every person who shall give or offer to give any bribe to such officer or officers; or shall make any collusive agreement with him or them; or who shall any wise obstruct, molest, or assault, maim or wound, any such officer or officers, or any other person acting in their aid and assistance, in the due execution of their duty; or who shall be assisting or otherwise concerned either in the unshipping, landing, or receiving, any goods subject to the payment of duties, without paying the same, or any goods prohibited to be imported into the said *Isle of Man*, or in shipping or loading outwards any goods prohibited to be exported

Penalty on officers guilty of any corruption, fraud, or collusion, in the execution of their duty;

and on persons offering bribes, or obstructing or assaulting them; or assisting in running of goods, &c.

courts for trying and punishing offenders.

exported from thence, shall, in each and every such case, be subject to the like pains, penalties, and forfeitures, as are provided by any act of parliament for the like offences in *Great Britain*; and every such offence and offences shall and may be enquired of, examined, tried, and determined, in any county within this kingdom or *Ireland*, in such manner and form, and by the same rules, regulations, and restrictions, as if the same offence had been therein committed; or in any courts to be holden in his Majesty's name, or by virtue of his authority, in the said *Isle of Man*, according to the usual course of proceedings in such courts, at the election of the respective commissioners of the customs or excise in *Great Britain*, or the commissioners of the revenue in *Ireland*, under whose directions any suit, indictment, or prosecution, shall be commenced and carried on; and in case any suit, indictment, or prosecution, shall be commenced in pursuance of this act, in any of the courts in *Great Britain* or *Ireland*, the like process shall and may issue thereupon as would have issued if the said offence had been therein committed, and shall and may be directed to such person or persons as usually and ordinarily execute process issuing out of the courts of justice in the said *Isle of Man*; and the same shall and may be executed by such person or persons in any part of the said *Isle of Man*, or on board any ship, vessel, or boat, being in any bay, harbour, river, or creek, of or belonging to the said *Isle of Man*, or within three leagues of the shores thereof; and the offender or offenders shall give the like bail and security for his and their appearance, and to answer the forfeiture and penalties incurred for such offence or offences, in the same manner and according to the usual course of proceeding upon such process in *Great Britain* or *Ireland* respectively; and every person residing or being in the said *Isle of Man*, who shall be there served with any process of *Subpœna*, issuing out of any of his Majesty's courts of record at *Westminster*, *Edinburgh*, or *Dublin*, requiring such person to appear in the said courts respectively; either to answer any information, indictment, bill, or complaint, therein exhibited, or to give evidence upon the trial of any cause therein depending, shall be compelled to appear or attend as required by the said *Subpœna*, under the same pains, penalties, and forfeitures, as such person would incur and be liable to for refusing or neglecting to appear or attend, if he or they had been served with such process in *Great Britain* or *Ireland* respectively; which pains, penalties, and forfeitures, the said respective courts are hereby authorized and empowered to inflict accordingly; any law, custom, or usage, to the contrary notwithstanding.

Penalty of insuring the fraudulent conveyance of goods to or from the said island.

XV. And it is hereby further enacted by the authority aforesaid, That all and every person and persons who, from and after the said first day of *June*, one thousand seven hundred and sixty five, shall by way of insurance, or otherwise, undertake or agree that any goods or commodities shall be carried to, or landed in, the *Isle of Man*, or brought from thence or landed in *Great Britain* or *Ireland*, contrary to the true intent and meaning

ing of this or any other act of parliament made in *Great Britain* or *Ireland*, or who shall pay, or agree to pay, any sum or sums of money for the insuring, conveying, or delivering, of such goods, shall, for each and every such offence, forfeit the sum of five hundred pounds; one moiety of which forfeiture shall be to the use of his Majesty, his heirs, and successors, and the other moiety to such officer or officers of the customs or excise as shall prosecute for the same; to be sued for and recovered in like manner and form as any other forfeitures and penalties are by this act recoverable.

XVI. And be it further enacted by the authority aforesaid, That in case the insurer, conveyer, or manager, of or in such fraud, shall, within the space of six months after such transaction or agreement, first discover the same to the commissioners of the customs or excise in *England* or *Scotland*, or to the commissioners of the revenue in *Ireland*, he shall not only keep the insurance money or premium given him, and be discharged of the penalties to which he is liable by reason of such offence, but shall have, to his own use, one moiety of the forfeiture which shall be recovered from the party making such insurance or agreement; and in case the party or parties insured shall, within the like space of six months, first make discovery thereof, in the manner before mentioned, he or they so discovering shall recover back such insurance money or premium as he or they hath or have paid upon such insurance or agreement, and shall have, to his and their own use, one moiety of the forfeiture which shall be recovered from such insurer, conveyer, or manager, as aforesaid, and shall be clearly acquitted and discharged of the penalty hereby imposed upon him or them.

Insurer, conveyer, or manager of such fraud, discovering the same,

is intitled to the insurance money, and a moiety of the forfeiture.

Party insured discovering is intitled to recover the insurance money,

and a moiety of the forfeiture.

CAP. XL.

An act for granting to his Majesty a certain sum of money out of the sinking fund; for applying certain monies therein mentioned for the service of the year one thousand seven hundred and sixty five; for further appropriating the supplies granted in this session of parliament; for allowing to the receivers general of the duties on offices and employments in Scotland a reward for their trouble; and for allowing further time to such persons as have omitted to make and file affidavits of the execution of indentures of clerks to attornies and solicitors.

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects, the commons of *Great Britain* in parliament assembled, towards raising the necessary supplies which we have chearfully granted to your Majesty in this session of parliament, have resolved to give and grant to your Majesty the sum herein after mentioned: and do therefore most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most

Preamble.

2,100,000l.
granted out of
the sinking
fund, for the
service of the
current year

to be issued by
the treasury
accordingly.

Treasury im-
powered to
raise the said
sum, or any
part thereof,
by loans or
exchequer
bills, on the
credit of the
sinking fund.

and to strike
tallies of loan
with orders for
repayment of
the money so
advanced;

the interest
thereof to be
paid quarter-
ly.

most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That by or out of such monies as shall, from time to time, be and remain in the receipt of the exchequer, of the surplusses, excesses, overplus monies, and other revenues composing the fund commonly called *The Sinking Fund* after paying or reserving sufficient to pay all such sums of money as have been directed by any former act or acts of parliament to be paid out of the same, there shall and may be issued, and applied, for and towards making good the supply granted to his Majesty for the service of the year one thousand seven hundred and sixty five, a sum not exceeding two million and one hundred thousand pounds, and the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, are hereby authorized and empowered to issue and apply the same accordingly.

II. And it is hereby enacted by the authority aforesaid, That in case the said commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall think it advisable to raise the said sum of two million and one hundred thousand pounds, or any part thereof, by loans or exchequer bills, in manner herein after mentioned, that it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to advance or lend to his Majesty, at the receipt of his Majesty's exchequer, any sum or sums of money not exceeding the said sum of two million and one hundred thousand pounds, upon the credit of the said surplusses, excesses, and overplus monies, or other revenues composing the sinking fund, and to have and receive interest for the forbearance of the money lent, so as such loans be allowed to be made by the said commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, who are hereby authorized to issue their warrants for that purpose as fast as such loans shall be wanted for the publick service; and moreover that no money to be lent upon the security of this act shall be rated or assessed to any tax or assessment whatsoever.

III. And be it further enacted, That all and every person or persons who shall lend any money upon the credit of this act as aforesaid, and pay the same into the receipt of the exchequer, shall immediately have a tally of loan struck for the same, and an order for his, her, or their repayment, bearing the same date with his, her, or their tally, in or upon which order shall be also contained a warrant for payment of interest for the forbearance thereof, and to be paid every three months, until the repayment of the principal; and all such orders for repayment of money so to be lent shall be registred in course accord-
ing

ing to the dates respectively; and that all and every person and persons shall be paid in course, according as their orders shall stand registred in the said register books, so as the person or persons, natives or foreigners, his, her, or their executors, administrators, or assigns, who shall have his, her, or their order or orders first entered in the said books of register, shall be taken and accounted to be the first person or persons to be paid out of the said surplusses, excesses, or other revenues, and he, she, or they, who shall have his, her, or their order or orders next entered, shall be taken and accounted to be the second person to be paid; and so successively and in course; and that the monies to come in, of, or for the said surplusses, excesses, and overplus monies, or other revenues composing the sinking fund, as aforesaid, shall be in the same order liable to the satisfaction of the said respective persons, and body or bodies politick or corporate, their executors, administrators, successors, or assigns respectively, without any undue preference of one before another, and not otherwise, and shall not be diverted or divertible to any other use, intent, or purpose whatsoever (other than such uses and purposes as are appointed by any other act or acts of parliament in that behalf as aforesaid;) and that no fee, reward, or gratuity directly or indirectly shall be demanded or taken of any of his Majesty's subjects for providing or making of any such books or registers, or any entries, views, or searches in or for payment of money lent, or the interest thereof as aforesaid, by any of his Majesty's officer or officers, their clerks, or deputies, on pain of payment of treble damages to the party grieved by the party offending, with full costs of suit; or if the officer himself take or demand any such fee or reward, then to lose his place also; and if any undue preference of one before another shall be made either in point of registry or payment, contrary to the true meaning of this act, by any such officer or officers, then the party offending shall be liable by action of debt, or on the case, to pay the value of the debt with full costs of suit to the party grieved, and shall be forejudged of his place or office; and if any such preference be unduly made by any his deputy or clerk, without direction or privity of his master, then such deputy or clerk only shall be liable to such action, debt, damages, and costs, and shall be for ever after incapable of his office or place; and in case the auditor of the receipt shall not direct the said orders of loan, or the clerk of the pells record, or the teller make payment upon such orders, according to each person's due place and order as before directed, then he or they shall be adjudged to forfeit, and the respective deputies and clerks therein offending, to be liable to such action, debt, damages, and costs, in such manner as aforesaid; all which said penalties, forfeitures, damages, and costs, to be incurred by any the officers of the exchequer, or any their deputies or clerks, shall and may be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*; wherein no essoin, protection,

Orders to be register'd, in course.

No undue preference to be given in payment.

nor fee to be taken;

on forfeiture of treble damages, with full costs.

Penalty of undue preference in point of registry or payment;

to be recovered in any of the courts of record at *Westminster*.

tection, privilege, wager of law, injunction, or order of restraint shall be in any wise granted or allowed.

No undue preference, which of the tallies or orders brought the same day, are entered first ;

IV. Provided always, and it is declared, That if it shall happen that several tallies of loan or orders for payment as aforesaid, bear date, or be brought the same day to the auditor of the receipt to be registred, then, it shall be interpreted no undue preference which of those be entered first, so as he enters them all the same day.

nor if subsequent orders are paid before others not brought in course ;

V. Provided also, That it shall not be interpreted any undue preference to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the tellers do pay subsequent orders to persons that come and demand their monies, and bring their orders, before other persons that did not come to take their monies, and bring their orders in course, so as there be so much money reserved as will satisfy precedent orders, which shall not be otherwise disposed of, but kept for them ; interest upon loan being to cease from the time the money is so reserved and kept in bank for them.

Power of assignment, and method of transferring of orders.

VI. And be it further enacted, That all and every person and persons to whom any money shall be due for loans to be registred by virtue of this act, after order entered in the book of register as aforesaid, his, her, or their executors, administrators, or assigns, by proper words of assignment to be indorsed and written upon his, her, or their order, may assign and transfer his, her, or their right, title, interest, and benefit of such order, to any other ; which being notified in the office of the auditor of the receipt aforesaid, and an entry or memorial thereof also made in the book of register aforesaid for orders (which the officers shall upon request without fee or charge accordingly make) shall intitle such assignee, his, her, or their executors, administrators, successors and assigns, to the benefit thereof, and payment thereon, and such assignee may in like manner assign again, and so *totes quoties* ; and afterwards it shall not be in the power of such person or persons who hath or have made such assignment, to make void, release, or discharge the same, or any monies thereby due, or any part thereof.

If it shall be judged more adviseable, the treasury may raise the said sum by exchequer bills instead of loans.

VII. And to the end there may be no want or failure of a certain sum not to exceed in the whole the said sum of two million and one hundred thousand pounds, to be raised either by such loans as aforesaid, or by issuing exchequer bills as is herein after mentioned, or by both or either of those ways or means for the publick service ; be it further enacted by the authority aforesaid, That in case the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall judge it more adviseable to raise the said sum of two million and one hundred thousand pounds, or any part thereof, by exchequer bills, instead of such loans as aforesaid, that then they respectively are hereby authorized and impowered at any time or times to prepare and make, or cause to be prepared and made at the exchequer, any number of

of new exchequer bills, for any sum or sums of money not exceeding in the whole the said sum of two million and one hundred thousand pounds, together with such loans aforesaid, in the same or like manner, form, or order, and according to the same or like rules and directions, as in and by a certain act of this present session of parliament, intituled, *An act for continuing and granting to his Majesty, certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and sixty five*, are enacted and prescribed concerning the exchequer bills to be made in pursuance of the said act.

VIII. And be it further enacted by the authority aforesaid, That all and every the clauses, provisos, powers, privileges, advantages, penalties, forfeitures, and disabilities, contained in the said last-mentioned act relating to the loans or exchequer bills authorized to be made by the same act (except such clauses as do charge the same on the taxes granted by the same act, and except such clauses as limit the rate of interest to be paid for the forbearance of money lent on the credit of the said act) shall be applied and extended to the exchequer bills to be paid in pursuance of this act, as fully and effectually to all intents and purposes as if the said exchequer bills had been originally authorized by the said last mentioned act, or as if the said several clauses or provisos had been particularly repeated and re-enacted in the body of this present act.

All advantages and penalties in the malt act of this session, relating to loans or exchequer bills thereby authorized to be made forth, extended to this act.

IX. And be it enacted by the authority aforesaid, That all the exchequer bills, which shall be made in pursuance of this act, and the interest, premium, rate, and charges incident to, or attending the same, shall be and are hereby charged and chargeable upon, and shall be repaid and borne by and out of, the growing produce of the said surplusses, excesses, and overplus monies, or other revenues composing the sinking fund (except such monies of the said sinking fund as are appropriated to any particular use or uses by any former or other act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be issued and applied as soon as the same can be regularly stated and ascertained, for and towards the paying off, cancelling, and discharging such exchequer bills, interest, premium, rate, or charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose be kept and reserved in the exchequer, to be payable on demand to the respective proprietors thereof.

The said exchequer bills, interest, and charges, are to be paid out of the sinking fund.

X. And be it declared and further enacted by the authority aforesaid, That it shall and may be lawful for the governor and company of the bank of *England* to advance or lend to his Majesty in like manner at the receipt of the exchequer, upon the credit of loan granted by this act, any sum or sums of money, not exceeding in the whole the sum of two million and one hundred thousand pounds; any thing in an act made in the fifth and sixth years of the reign of King *William* and Queen *Mary*, intituled, *An act for granting to their Majesties several rates and duties upon tonnage of ships and vessels, and upon beer, ale, and other li-*

Bank authorized to lend the said sum,

notwithstanding act 5 & 6 W. & M.

quors; for securing certain recompences and advantages in the said act mentioned to such persons as shall voluntarily advance the sum of one million five hundred thousand pounds towards carrying on the war against France, to the contrary thereof in any wise notwithstanding.

Sums to be applied; viz.
 35,131. 5s.
 19. remaining in the exchequer on 10 Oct.
 1764. unapplied of the Sinking fund;
 308,000 l. agreed to be paid by the French King on 27 Feb.
 1765;
 80,000 l. remaining in the exchequer, granted the last session for pay and cloathing of the militia;
 12,000 l.
 Produce of the duties granted this session on gum senega, and gum arabic;

251,740 l. 2s.
 7 d. 3 q. out of the exceedings of the several sums granted for sundry services, and of the monies paid in to the paymaster-general by contractors and others, to be applied towards discharging the unsatisfied claims for expences incurred in Germany during the late war;

XI. And be it further enacted by the authority aforesaid, That the sum of one hundred thirty five thousand two hundred thirteen pounds, five shillings, and one farthing, remaining in the receipt of the exchequer on the tenth day of *October*, one thousand seven hundred and sixty four, for the disposition of parliament, of the monies which had then arisen of the surplusses, excesses, or overplus-monies, and other revenues of the fund commonly called *The Sinking Fund*; and also a sum not exceeding three hundred and eight thousand pounds, of the monies agreed to be paid by a convention between his Majesty and the French King, concluded and signed at *London* the twenty seventh day of *February*, one thousand seven hundred and sixty five, for the maintenance of the late French prisoners of war; and also the sum of eighty thousand pounds remaining in the receipt of the exchequer, granted to his Majesty in the last session of parliament, upon account, for defraying the charge of the pay and cloathing of the militia, for one year, beginning the twenty fifth day of *March*, one thousand seven hundred and sixty four; and also a sum not exceeding twelve thousand pounds, out of the monies which shall arise of the produce of the duties laid by an act made in this session of parliament, upon the importation and exportation of gum senega and gum arabic, shall and may be issued and applied at the said receipt, for and towards making good the said supply; and the commissioners of his Majesty's treasury now or for the time being, or any three or more of them, or the high treasurer for the time being, is or are hereby authorized and impowered to issue and apply the same accordingly.

XII. And be it further enacted by the authority aforesaid, That the sum of two hundred fifty one thousand seven hundred and forty pounds, two shillings, and seven pence, three farthings, be granted to his Majesty, upon account, out of the monies remaining to be applied, of the exceedings of the several sums provided by parliament for sundry services, and of the monies that have been paid into the hands of the paymaster-general of his Majesty's land forces, by contractors and others, to the twenty third day of *March*, one thousand seven hundred and sixty five, towards discharging such unsatisfied claims and demands, for expences incurred during the late war in *Germany*, as appear to be due by the reports of the commissioners, appointed by his Majesty, for examining and stating such claims and demands; and the commissioners of his Majesty's treasury now or for the time being, or any three or more of them, or the high treasurer for the time being, is or are hereby authorized and impowered to issue and apply the same accordingly.

XIII. And

XIII. And be it further enacted by the authority aforesaid, That a sum not exceeding sixty thousand pounds of the monies arisen or to arise out of such of the duties granted or continued by an act made in the last session of parliament, as were thereby directed to be reserved in the exchequer to be disposed of by parliament, towards defraying the necessary expences of defending, protecting, and securing, the *British* colonies and plantations in *America*, be issued and applied towards maintaining his Majesty's forces and garrisons in the plantations, and for provisions for the forces in *North America*, *Nova Scotia*, *Newfoundland*, and the ceded islands, for the year one thousand seven hundred and sixty five; and the commissioners of his Majesty's treasury now or for the time being, or any three or more of them, or the high treasurer for the time being, is or are hereby authorized and empowered to issue and apply the same accordingly.

60,000 l. out of the monies granted the last session, and reserved for the disposition of parliament,

to be applied towards maintaining the forces and garrisons in *America*.

XIV. Provided always, and it is hereby enacted by the authority aforesaid, That all the monies coming into the exchequer either by loans or exchequer bills, upon one act of this session of parliament, intituled, *An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and sixty five*; and so much money, if any such be, of the duties thereby granted, as shall arise or remain after all the loans or exchequer bills made or to be made on the same act, and all the interest, premium, rate and charges thereon, and the charges thereby allowable for raising the said duties, shall be satisfied, or money sufficient shall be reserved in the exchequer to satisfy and discharge the same; and also all the monies coming into the exchequer, either by loans or exchequer bills, upon one other act of this session of parliament, intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and sixty five*; and so much money, if any such be, of the tax thereby granted as shall arise or remain after all the loans or exchequer bills made or to be made on the same act, and all the interest, premium, rate and charges thereon, and the charges allowable thereby for raising the said land tax, shall be satisfied, or money sufficient shall be reserved in the exchequer to satisfy and discharge the same; and also the sum of eight hundred thousand pounds granted by one other act of this session of parliament, intituled, *An act for raising a certain sum of money by loans or exchequer bills, for the service of the year one thousand seven hundred and sixty five*; and also the said sum of one hundred thirty five thousand two hundred thirteen pounds, five shillings, and one farthing, remaining in the receipt of the exchequer, on the tenth day of *October*, one thousand seven hundred and sixty four, for the disposition of parliament, of the monies which had then arisen of the surplusses, excesses, or overplus monies, and other revenues of the fund, commonly called *The Sinking Fund*; and also the said sum not exceeding three hundred and eight thousand pounds, of the

Appropriation of the supplies.

The monies arising by the malt tax,

land tax,

loans, &c.

and other sums remaining in the exchequer, &c.

Duties on
gum senega
and gum a-
rabie,
and
2,100,000 l.
granted out of
the sinking
fund;
together with
the residue of
the money
arising by the
sale of French
prizes.

Viz. out of
the aids in
general,
1,439,734 l.
11 s. 3 d. to-
wards naval
services here-
in specified.

5,000 l. to
wards the sup-
port of Green-
wich hospital.

1,331 l. 17 s.
6 d. bounty to
certain chap-
lains who

monies agreed to be paid by a convention between his Majesty and the *French King*, concluded and signed at *London* the twenty seventh day of *February*, one thousand seven hundred and sixty five, for the maintenance of the late *French* prisoners of war; and also the said sum of eighty thousand pounds remaining in the receipt of the exchequer, which was granted to his Majesty in the last session of parliament, upon account, for defraying the charge of the pay and cloathing of the militia for one year, beginning the twenty fifth day of *March*, one thousand seven hundred and sixty four; and also the said sum not exceeding twelve thousand pounds, out of the monies which shall arise of the produce of the duties laid by an act made in this session of parliament upon the importation and exportation of *Gum Senega* and *Gum Arabic*; and also the further sum of two million and one hundred thousand pounds by this act granted, out of such monies as shall or may arise of the surplusses, excesses, or overplus monies, and other revenues, composing the fund commonly called *The Sinking Fund*, shall be further appropriated; and are hereby appropriated, and shall be issued and applied for and towards the several uses and purposes herein after expressed, together with the residue of the monies arising from the sale of *French* prizes taken before the declaration of war, which his Majesty has declared in a most gracious speech to his parliament in the last session, that he has directed for the ease of his subjects, to be applied to the publick service.

XV. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding one million four hundred thirty nine thousand seven hundred thirty four pounds, eleven shillings, and three pence, for or towards the naval services herein after particularly expressed (that is to say) for or towards victuals, wages, wear and tear of the navy, and the victualling thereof, performed and to be performed; and for or towards sea services in the office of ordnance, performed and to be performed; and for or towards defraying the ordinary of his Majesty's navy, and for half pay to sea and marine officers; and for or towards maintaining four thousand two hundred and eighty seven marines; and for or towards the buildings, rebuildings, and repairs, of his Majesty's ships, for the year one thousand seven hundred and sixty five.

XVI. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding five thousand pounds, upon account, to be applied by the commissioners or governors of the royal hospital for seamen at *Greenwich*, for the support and relief of seamen, worn out and become decrepit in the service of their country, who shall not be provided for within the said hospital.

XVII. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding one thousand two hundred thirty one pounds, seventeen

seventeen shillings, and six pence, for paying a bounty, for the year one thousand seven hundred and sixty five, of two shillings and six pence *per* day to fifteen chaplains; and of two shillings *per* day to fifteen more chaplains, who have served longest on board his Majesty's ships of war, provided it appears by the books of the said ships, that they have been actually borne and mustered thereon for the space of four years during the late war with *France* and *Spain*, and provided likewise, that such chaplains do not enjoy the benefit of some ecclesiastical living or preferment from the crown or otherwise, of the present annual value of fifty pounds.

served in the navy the last war.

XVIII. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding one hundred seventy four thousand six hundred seventy three pounds, fifteen shillings, and ten pence, for the charge of the office of ordnance for land service, for the year one thousand seven hundred and sixty five.

174,673 l. 15s. 10 d. for charge of the office of ordnance, for the year 1765.

XIX. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding fifty five thousand five hundred nineteen pounds, ten shillings, and seven pence, for defraying the expence of services performed by the office of ordnance for land service, and not provided for by parliament, in one thousand seven hundred and sixty four.

55,519 l. 10s. 7 d. to the said office, for services performed in 1764, not provided for.

XX. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding two million one thousand six hundred two pounds, ten shillings, six pence, and one eighty eighth part of a penny, for and towards maintaining his Majesty's land forces, and other services herein after more particularly expressed; that is to say, any sum or sums of money, not exceeding six hundred eight thousand one hundred thirty pounds, ten shillings, and seven pence, for defraying the charge of seventeen thousand four hundred and twenty one effective men, commissioned and non-commissioned officers included; and including two thousand six hundred and twenty eight invalids, for guards, garrisons, and other his Majesty's land forces in *Great Britain*, *Guernsey*, and *Jersey*, for the year one thousand seven hundred and sixty five; and any sum or sums of money, not exceeding three hundred twenty seven thousand five hundred and two pounds, three shillings, and eleven pence halfpenny, for further maintaining his Majesty's forces and garrisons in the plantations, including those in garrison at *Minorca* and *Gibraltar*; and for provisions for the forces in *North America*, *Nova Scotia*, *Newfoundland*, *Gibraltar*, and the ceded islands, for the year one thousand seven hundred and sixty five; and any sum or sums of money, not exceeding six thousand three hundred forty six pounds, three shillings, and five pence, for defraying the charge of the difference of pay be-

2,001,802 l. 10s. 6 d. towards the land forces and other services in general; of which 608,130 l. 10s. 7 d. for guards and garrisons in Great Britain, Guernsey, and Jersey; 327,502 l. 3s. 11 d. 2 q. for guards and Garrisons in the plantations, Minorca, and Gibraltar; and provisions for the forces abroad; 6,346 l. 3s. 5 d. to make good difference of pay

between the British and Irish establishments of 5 regiments of foot at Gibraltar, Minorca, and ceded islands; 11,291 l. 8 s. 6 d. 2 q. for general and general staff officers; 20,000 l. towards pay and cloathing of the militia; 135,606 l. 12 s. 6 d. to the reduced officers of the land forces, and marines; 2,361 l. 14 s. 2 d. to the officers and gentlemen of horse guards, &c. reduced;

1,664 l. to the pensions of officers widows; 109,107 l. 18 s. 4 d. to the out-pensioners of Chelsea hospital; 10,343 l. 16 s. 5 d. subsidy to the duke of Brunswick;

50,000 l. succour to the landgrave of Hesse Cassel; 404,496 l. 7 s. 6 d. extraordinary expences of the land forces, and other services, incurred in 1764, not provided for

248,259 l. 17 s. 4 d. 1 q. to-

tween the *British* and *Irish* establishments of five regiments of foot serving at *Gibraltar*, *Minorca*, and the ceded islands, for the year one thousand seven hundred and sixty five; and any sum or sums of money, not exceeding eleven thousand two hundred ninety one pounds, eight shillings, and six pence half-penny, for the pay of the general and general staff officers in *Great Britain*, for the year one thousand seven hundred and sixty five; and any sum or sums of money, not exceeding eighty thousand pounds upon account, for defraying the charge of the pay and cloathing of the militia for one year, beginning the twenty fifth day of *March*, one thousand seven hundred and sixty five; and any sum or sums of money, not exceeding one hundred thirty five thousand six hundred six pounds, twelve shillings, and six pence, upon account of the reduced officers of his Majesty's land forces and marines, for the year one thousand seven hundred and sixty five; and any sum or sums of money, not exceeding two thousand three hundred sixty one pounds, fourteen shillings, and two pence, for defraying the charge for allowances to the several officers and private gentlemen of the two troops of horse guards, and regiment of horse reduced, and to the superannuated gentlemen of the four troops of horse guards, for the year one thousand seven hundred and sixty five; and any sum or sums of money, not exceeding one thousand six hundred sixty four pounds, for the paying of pensions to the widows of such reduced officers of his Majesty's land forces and marines as died upon the establishment of half-pay in *Great Britain*, and who were married to them before the twenty fifth day of *December*, one thousand seven hundred and sixteen, for the year one thousand seven hundred and sixty five; and any sum or sums of money, not exceeding one hundred nine thousand one hundred seven pounds, eighteen shillings, and four pence, upon account, towards defraying the charge of out-pensioners of *Chelsea* hospital, for the year one thousand seven hundred and sixty five; and any sum or sums of money, not exceeding ten thousand three hundred forty three pounds, sixteen shillings, nine pence, and seven eleventh parts of a penny, to enable his Majesty to defray the charge of the subsidies due to the duke of *Brunswick*, pursuant to treaties, for the year one thousand seven hundred and sixty five; and any sum or sums of money, not exceeding fifty thousand pounds, on account, towards assisting his Majesty to grant a reasonable succour in money to the landgrave of *Hesse Cassel*, pursuant to treaty; and any sum or sums of money, not exceeding four hundred four thousand four hundred ninety six pounds, seven shillings, and six pence, for defraying the extraordinary expences of his Majesty's land forces, and other services incurred between the twenty fourth day of *December*, one thousand seven hundred and sixty three, and the twenty fifth day of *December*, one thousand seven hundred and sixty four, and not provided for by parliament; and any sum or sums of money, not exceeding two hundred forty eight thousand two hundred fifty nine pounds, seventeen shillings, and four pence farthing, upon account, to-

wards

wards farther discharging such unsatisfied claims and demands; for expences incurred during the late war in *Germany*, as appear to be due by the reports of the commissioners appointed by his Majesty, for examining and stating such claims and demands; and any sum or sums of money, not exceeding six thousand four hundred ninety one pounds, seventeen shillings, four pence, and one eighth part of a penny, for defraying the charge of three independant companies of foot to be raised for his Majesty's service on the coast of *Africa*, and for provisions for the same from the twenty fifth day of *December*, one thousand seven hundred and sixty four, to the twenty fourth day of *December*, one thousand seven hundred and sixty five, both days inclusive, being three hundred and sixty five days.

wards the unsatisfied claims in *Germany*;
6,492 l. 17 s. 4d. charge of 3 independant companies in *Africa*;

XXI. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied the sum of eight hundred thousand pounds, for paying off and discharging the exchequer bills made out by virtue of an act passed in the last session of parliament, intituled, *An act for raising a certain sum of money by loans or exchequer bills, and for applying certain monies remaining in the exchequer, for the service of the year one thousand seven hundred and sixty four; and for application of certain savings of public monies, and of monies arisen by the sale of military stores; and for further appropriating the supplies granted in this session of parliament; and for relief of persons who have omitted to insert in indentures, or other writings, the full sum agreed to be paid with clerks, apprentices, and other servants;* and charged upon the first aids to be granted in this session of parliament.

800,000 l. towards paying off exchequer bills issued pursuant to an act of the last session;

XXII. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding four thousand nine hundred eleven pounds, fourteen shillings and eleven pence, upon account, for maintaining and supporting the civil establishment of his Majesty's colony of *Nova Scotia*, for the year one thousand seven hundred and sixty five; and any sum or sums of money, not exceeding seven thousand pounds, upon account of sundry expences, for the service of *Nova Scotia*, in the years one thousand seven hundred and fifty, one thousand seven hundred and fifty one, one thousand seven hundred and fifty two, one thousand seven hundred and sixty two, and one thousand seven hundred and sixty three, and not provided for by parliament; and any sum or sums of money, not exceeding three thousand nine hundred and sixty six pounds, upon account, for defraying the charges of the civil establishment of his Majesty's colony of *Georgia*, and other incidental expences attending the same, from the twenty fourth day of *June*, one thousand seven hundred and sixty four, to the twenty fourth of *June*, one thousand seven hundred and sixty five; and any sum or sums of money, not exceeding five thousand and two hundred pounds, upon account, for defraying the charges of the civil establishment of his Majesty's colony of *East Florida*, and other incidental expences attending

4,911 l. 14 s. 11 d. for defraying the civil establishment of *Nova Scotia*;

7,000 l. for sundry expences incurred there in former years, not provided for;

3,966 l. for the civil establishment of *Georgia*;

5,200 l. for the civil establishment of *East Florida*;

tending

5,200 l. for
the civil e-
stablishment of
West Florida;

1,601 l. 14 s.
towards ex-
pence of ge-
neral surveys
in America;

5000 l. to-
wards build-
ing a Lazaret.

18,000 l. to
the Foundling
Hospital.

13,000 l. for
maintaining
the British
forts and
settlements in
Africa;
7,000 l. for a
block house
at Cape Ap-
polonia;
5,500 l. for
defraying
charges of a
civil establish-
ment upon
the coast of
Africa;

2,400 l. to
make good to
his Majesty
the like sum
issued in pur-
suance of ad-
dresses of the
house of com-
mons;

tending the same, from the twenty fourth of *June*, one thousand seven hundred and sixty four, to the twenty fourth of *June*, one thousand seven hundred and sixty five; and any sum or sums of money, not exceeding five thousand and two hundred pounds, upon account, for defraying the charges of the civil establishment of his Majesty's colony of *West Florida*, and other incidental expences attending the same, from the twenty fourth of *June*, one thousand seven hundred and sixty four, to the twenty fourth of *June*, one thousand seven hundred and sixty five; and any sum or sums of money, not exceeding one thousand six hundred one pounds and fourteen shillings, upon account, for defraying the expence attending general surveys of his Majesty's dominions in *North America*, for the year one thousand seven hundred and sixty five.

XXIII. And it is hereby also enacted by the authority afore-
said, That out of all or any the aids or supplies afore-
said, there shall and may be issued and applied any sum or sums of money,
not exceeding five thousand pounds, towards building a lazaret;
and any sum or sums of money, not exceeding thirty eight
thousand pounds, upon account, towards enabling the gover-
nors and guardians of the hospital for the maintenance and edu-
cation of exposed and deserted young children, to maintain and
educate, or to place out as apprentices such children as were re-
ceived into the said hospital on or before the twenty fifth day of
March, one thousand seven hundred and sixty, from the thirty
first day of *December*, one thousand seven hundred and sixty four
inclusive, to the thirty first day of *December*, one thousand seven
hundred and sixty five inclusive, and that the said sum be issued
and paid for the use of the said hospital without fee or reward,
or any deduction whatsoever.

XXIV. And it is hereby also enacted by the authority afore-
said, That out of all or any the aids or supplies afore-
said, there shall and may be issued and applied any sum or sums of money,
not exceeding thirteen thousand pounds, to be employed in
maintaining and supporting the *British* forts and settlements up-
on the coast of *Africa*, and putting the said forts into better re-
pair; and any sum or sums of money, not exceeding seven
thousand pounds, for building a block house at or near *Cape*
Appolonia, on the coast of *Africa*; and any sum or sums of mo-
ney, not exceeding five thousand and five hundred pounds, up-
on account, for defraying the charges of a civil establishment
upon that part of the coast of *Africa*, situate between the port
of *Sallee* in *South Barbary* and *Cape Rouge*, for the year one thou-
sand seven hundred and sixty five.

XXV. And it is hereby also further enacted by the autho-
rity afore-
said, That out of all or any the aids or supplies afore-
said, there shall and may be issued and applied the sum of two
thousand and four hundred pounds, to make good to his Ma-
jesty the like sum which has been issued by his Majesty's orders
in pursuance of the addresses of the house of commons; and
any sum or sums of money, not exceeding ten thousand pounds,
to enable his Majesty to give a proper compensation to the govern-
ment

ment of the island of *Barbadoes*, for the assistance given by them to his Majesty's forces under the command of major general *Monckton*, in the expedition against the island of *Martinico*; and any sum or sums of money, not exceeding seven thousand pounds, to be paid into the chamber of the city of *London*, towards the finishing and compleating the works for improving, widening, and enlarging the passage over and through *London Bridge*, without account, other than as is directed for the monies raised by an act made in the twenty ninth year of his late Majesty's reign, intituled, *An act to improve, widen, and enlarge, the passage over and through London Bridge*.

10,000 l. compensation to the government of the island of Barbadoes.

7,000 l. towards repairing London Bridge;

XXVI. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding forty eight thousand one hundred seventy six pounds, one shilling, and eleven pence halfpenny, to replace to the sinking fund the like sum paid out of the same, to make good the deficiency on the fifth day of *July*, one thousand seven hundred and sixty four, of the several rates and duties upon offices and pensions, and upon houses, and upon windows or lights, which were made a fund by an act of the thirty first year of the reign of his late Majesty for paying annuities at the bank of *England*, in respect of five millions borrowed towards the supply granted for the service of the year one thousand seven hundred and fifty eight; and any sum or sums of money, not exceeding forty nine thousand seven hundred forty two pounds, one shilling, and two pence halfpenny, to replace to the sinking fund the like sum paid out of the same, to make good the deficiency on the tenth day of *October*, one thousand seven hundred and sixty four, of the several additional duties upon wines imported into this kingdom; and certain duties upon all cyder and perry which were made a fund by an act of the third year of the reign of his present Majesty, for paying annuities in respect of three million five hundred thousand pounds, borrowed towards the supply granted for the service of the year one thousand seven hundred and sixty three; and any sum or sums of money, not exceeding one hundred thirty nine thousand three hundred forty two pounds, two shillings, and four pence, to replace to the sinking fund the like sum issued thereout, for paying annuities after the rate of four pounds *per centum* for the year, ended the twenty ninth day of *September*, one thousand seven hundred and sixty four, which were granted in respect of certain navy, victualling, and transport bills, and ordnance debentures, delivered in and cancelled pursuant to an act of the third year of the reign of his present Majesty; and any sum or sums of money, not exceeding two hundred forty nine thousand six hundred sixty pounds, four shillings, and ten pence, to make good the deficiency of the grants for the service of the year one thousand seven hundred and sixty four.

48,176 l. 1 s. 11 d. 2 q. to replace to the sinking fund the deficiency of the duties on offices and pensions: and windows:

49,742 l. 1 s. 2 d. 2 q. to replace to the sinking fund, the deficiency of the additional duties upon wines imported: and upon cyder and perry:

139,342 l. 2 s. 4 d. to replace to the sinking fund the annuities granted in respect of navy and victualling bills, &c. cancelled:

249,660 l. 4 s. 10 d. to make good the deficiency of the grants for the last year.

XXVII. And it is hereby further enacted by the authority aforesaid, That the said aids and supplies provided as aforesaid, shall

These aids to be applied to no other uses.

shall not be issued or applied to any use, intent, or purpose whatsoever, other than the uses and purposes before mentioned, or for the several deficiencies, or other payments directed to be satisfied thereout by any act or acts or any particular clause or clauses for that purpose contained in any other act or acts of this present session of parliament.

Rules to be
observed in the
application of
the half-pay.

XXVIII. And, as to the said sum of one hundred thirty thousand six hundred six pounds, twelve shillings, and six pence by this act appropriated on account of half-pay as aforesaid, it is hereby enacted and declared by the authority aforesaid, That the rules herein after prescribed, shall be duly observed in the application of the said half-pay; that is to say, That no person shall have or receive any part of the same, who was a minor, and under the age of sixteen years, at the time when the regiment, troop, or company, in which he served, was reduced; that no person shall have or receive any part of the same, except such person who did actual service in some regiment, troop, or company; that no person having any other place or employment of profit civil or military, under his Majesty, shall have or receive any part of the said half-pay; that no chaplain of any garrison or regiment, who has any ecclesiastical benefice in *Great Britain or Ireland*, shall have or receive any part of the said half-pay; that no person shall have or receive any part of the same, who has resigned his commission, and has had no commission since; that no part of the same shall be allowed to any person by virtue of any warrant or appointment, except to such persons, as would have been otherwise intitled to the same as reduced officers; and that no part of the same shall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot, lately disbanded in *Ireland*, except to such as were lately taken off the establishment of half-pay in *Great Britain*.

Recital of
clauses in
act 4 Geo. 3.

XXIX. And whereas by an act of parliament made in the fourth year of his present Majesty's reign, intituled, *An act for raising a certain sum of money by loans or exchequer bills; and for applying certain monies remaining in the exchequer, for the service of the year one thousand seven hundred and sixty four; and for application of certain savings of publick monies, and of monies arisen by the sale of military stores; and for further appropriating the supplies granted in this session of parliament; and for relief of persons who have omitted to insert in indentures, or other writings, the full sum agreed to be paid with clerks, apprentices, and other servants*; the several supplies which had been granted to his present Majesty, as is therein mentioned, were appropriated to the several uses and purposes therein expressed; amongst which, any sum or sums of money, not exceeding thirty thousand one hundred and eighty eight pounds, and eighteen shillings, was appropriated to be paid to the reduced officers of his Majesty's land forces and marines, for the year one thousand seven hundred and sixty four, and any sum or sums of money, not exceeding one hundred and twenty five thousand four hundred and fifty five pounds,

pounds, and thirteen shillings, was appropriated to be paid to the reduced officers of his Majesty's land forces reduced and disbanded in the year one thousand seven hundred and sixty three, and such as were to be reduced and disbanded for the year one thousand seven hundred and sixty four; subject nevertheless to such rules to be observed in the application of the said half-pay, as in and by the aforesaid act were prescribed in that behalf: now it is hereby provided, enacted, and declared, by the authority aforesaid, That so much of the said sums of thirty thousand one hundred and eighty eight pounds, and eighteen shillings; and one hundred and twenty five thousand four hundred and fifty five pounds, and thirteen shillings, as are or shall be more than sufficient to satisfy the said reduced officers, according to the rules prescribed by the said act to be observed in the application thereof, or any part of such overplus, shall and may be disposed of to such officers who are maimed or have lost their limbs in the late wars, or such others, as by reason of their long service, or otherwise, his Majesty shall judge to be proper objects of charity, or to the widows or children of such officers, according to such warrant or warrants, under his Majesty's royal sign manual, as shall be signed in that behalf; any thing in this act, or the said former act to the contrary notwithstanding.

Rules to be observed in the application of the surplus of the several sums of 30,188 l. 18 s. and 125,455 l. 13 s. appropriated in 1764 to the payment of reduced officers.

XXX. And whereas by an act made in the thirty first year of the reign of his late majesty King *George* the Second, certain duties were laid upon offices and employments; and the monies thereby arising in that part of *Great Britain* called *Scotland*, were directed to be paid at *Edinburgh*, to such person or persons as the commissioners of the treasury, or the high treasurer of *Great Britain* for the time being, should constitute and appoint to be receiver general, or receivers thereof, for his Majesty's use; but no provision hath been made, or authority given, for allowing any compensation, or granting any reward, to such receiver or receivers, for his or their trouble in the receiving the said monies, and in the paying and accounting for the same; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for such receiver or receivers, to retain out of the monies which have been and shall be paid into his or their hands in pursuance of the said act, such sum, as a compensation or reward for his or their trouble, as his Majesty, his heirs, and successors, shall appoint, not exceeding three pence in the pound.

Receiver of the duties on offices and employments in Scotland, allowed to retain 3 d. in the pound of the monies received by him.

XXXI. And whereas some persons have omitted to cause affidavits to be made, and afterwards to be filed in the proper office, of the actual execution of several contracts, in writing, entered into by them to serve as clerks to attornies or solicitors, within the time in which the same ought to have been done, and many infants and others may thereby incur certain disabilities; for preventing whereof, and relieving such persons, be it likewise enacted by the authority aforesaid, That every person who hath neglected or omitted to cause any such affidavit or affidavits as aforesaid to be made and filed, and who, on or before the

Further time allowed, to 10 Oct. 1765, to make and file affidavits of clerkship, &c. omitted to be done in due time.

the tenth day of *October*, one thousand seven hundred and sixty five, shall cause one or more affidavit or affidavits to be made, and afterwards to be filed, in such manner as the same ought to have been made and filed in due time, shall be and is hereby indemnified, freed, and discharged, from and against all penalties, forfeitures, incapacities, and disabilities, in or by any act or acts of parliament mentioned and incurred, or to be incurred, for or by reason of any such neglect or omission, in not causing such affidavit or affidavits to be made and filed in such manner as the same ought to have been; and every such affidavit and affidavits so to be made, and which shall be duly filed on or before the said tenth day of *October* as aforesaid, shall be as effectual, to all intents and purposes, as if the same had been made and filed within the respective times the same ought, by the laws now in being for that purpose, to have been so made and filed.

C A P. XLI.

An act for the relief of insolvent debtors.

Preamble.

WHEREAS many persons by losses and other misfortunes, are rendered incapable of paying their whole debts; and though they are willing to make the utmost satisfaction they can, and many of them are able to serve his Majesty by sea and land, yet are detained in prison by their creditors, or have been forced to go into foreign parts out of this realm: and whereas such unhappy debtors have always been deemed the proper objects of publick compassion; and by several acts of parliament, have been discharged on the conditions in such acts mentioned; for the relief therefore of insolvent prisoners and fugitives who shall comply with the terms contained in this act to be respectively observed by them, and faithfully discover, upon oath, and deliver up and assign, all their effects and estates whatsoever for the benefit of their creditors; and to prevent, as far as possible, the many frauds and abuses which, in a great measure, have obstructed the good ends of such acts; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled and by the authority of the same, That from and after the passing of this act, all and every gaoler, or keeper of any prison, in any county, riding, division, city, town, place, or liberty, within this kingdom, shall, is, and are hereby required to make a true, exact, and perfect list, alphabetically, of the name or names of all and every person or persons who, upon the first day of *January*, one thousand seven hundred and sixty five, was or were, or at any time since have been, and at the time of making out every such list shall be, really an actual prisoner or prisoners, in the custody of any gaoler or gaolers, or keeper of any prison respectively, upon any process whatsoever for or by reason of any debt, damage, costs, sum or sums of money, contempt, or otherwise, and an account of the time when

Alphabetical
lists to be
made out of
prisoners in
custody for
debt on 1
Jan. 1765, or
since then;

when such prisoner or prisoners was or were respectively charged in custody, or received in prison, together with the name or names of the person or persons at whose suit or prosecution such prisoner or prisoners is or are detained; and shall deliver the same to the justices of the peace at their first or second general or general quarter sessions of the peace, to be held after the seventeenth day of *June*, one thousand seven hundred and sixty five, or at some adjournment thereof, for such county, riding, division, city, town, place, or liberty respectively.

II. And be it further enacted, That the warden of his Majesty's prison of the *Fleet*, and marshal of the *King's Bench* prison, shall severally, on the delivering in of any such list of prisoners in their respective custody, take an oath in the open court of such general or general quarter session of the peace, or at some adjournment thereof, to the effect following; (that is to say)

The warden of the *Fleet*, and marshal of the *King's Bench* prison, to take the following oath on delivering in their lists.

I A. B. upon my corporal oath, in the presence of Almighty God, do solemnly swear, profess and declare, That all and every person and persons, whose name or names is or are inserted and contained in the first part of the list by me now delivered in and subscribed, was and were to the best of my knowledge and belief, upon the first day of January, one thousand seven hundred and sixty five, really and truly prisoners, in actual custody, in the prison or gaol of [insert the name of the prison] at the suit or suits of the several person or persons therein respectively mentioned; and also that all and every person and persons, whose name or names is or are inserted or contained in the second part of the said list now by me delivered in and subscribed as aforesaid, have, since the said first day of January, one thousand seven hundred and sixty five, been committed or surrendered to the said gaol or prison of [insert the name of the gaol or prison] at the suit or suits of the several person or persons therein respectively mentioned; except such person or persons who is or are in such list particularly mentioned and described to have died, been discharged, or removed to some other prison, by process of law, since the said first day of January, one thousand seven hundred and sixty five; and also except such person or persons who is or are in such list particularly mentioned and described to have been permitted to have gone out of the said prison, by day rules of the court of [Common Pleas or King's Bench, as the case shall be] since the said first day of January, one thousand seven hundred and sixty five, to transact their affairs: and also except such person or persons who is or are therein also particularly mentioned and described to have, upon the said first day of January, one thousand seven hundred and sixty five, or since, been in the rules of the said prison [of the *Fleet* or *King's Bench*, as the case shall be] by leave of the [warden or marshall of the said prison, as the case shall be] and have to the best of my knowledge and belief, really and truly, ever since continued and remained in actual custody in the said prison of the [Fleet, or King's Bench, as the case shall be] or the liberties thereof, at the suit or suits of the several persons in the said list respectively mentioned [and if any prisoners have, since the said first day of January, one thousand seven hundred and sixty five, escaped out of

either

either of the said prisons, then insert, *except* [insert the name of names of the prisoner or prisoners who have escaped] *who, without my knowledge, privity, or consent, hath or have escaped out of the said prison of* and that the said list is a true, exact, perfect, and just list of all such persons who were really and truly prisoners in actual custody in the said gaol or prison of on the said first day of January, one thousand seven hundred and sixty five, and who, since the said first day of January, one thousand seven hundred and sixty five, have been committed to, and really have been, and now is or are, prisoner or prisoners in actual custody in the said gaol or prison of or the liberties thereof; and that none of such prisoners, to my knowledge, or with my privity, have voluntarily, or with design, or in expectation to take any benefit from or under any act of parliament to be made for relief of insolvent debtors, surrendered themselves, or been committed to the said prison, or got their names entered as prisoners in the books of the said prison; or since the same first day of January, one thousand seven hundred and sixty five, to my knowledge, or with my privity, have resided out of the said prison of or the rules thereof [but if any have so done, add *except* naming such by name]

Other gaolers to take the following oath on delivering in their lists.

And that every other gaoler and keeper of any other prison or prisons in any county, city, town, riding, division, place, or liberty, shall severally, on the delivering in of any such list respectively, take an oath in the open court of the general or general quarter session of the county, city, town, division, liberty, or place, for which he or she shall deliver in any such list, and swear to the effect following; (that is to say)

I A. B. upon my corporal oath, in the presence of Almighty God, do solemnly swear, profess, and declare, That all and every person and persons, whose name or names are inserted and contained in the first part of the list by me now delivered in and subscribed, was and were, to the best of my knowledge and belief, upon the first day of January, one thousand seven hundred and sixty five, really and truly prisoners in actual custody, in the prison or gaol of at the suit or suits of the several persons therein respectively mentioned; and also that all and every person and persons, whose name or names is or are inserted or contained in the second part of the said list now by me delivered in and subscribed as aforesaid, have, since the said first day of January, one thousand seven hundred and sixty five, been committed or surrendered to the said gaol or prison of (if any such prisoner or prisoners hath or have, since the said first day of January, one thousand seven hundred and sixty five, been committed or surrendered to such gaol or prison) at the suit or suits of the several person or persons therein respectively mentioned; except [if any exception is necessary] such persons as are therein particularly mentioned and described to have died, been discharged, or removed to some other prison by process of law, or to have escaped out of such prison, without my privity, knowledge, or consent, since the said first day of January, one thousand seven hundred and sixty five, and that all

all and every of them, whose name and names is and are contained in the first part of the said list (except as before excepted) to the best of my knowledge and belief, have really and truly continued and remained in actual custody, in the said gaol or prison of _____ ever since the said first day of January, one thousand seven hundred and sixty five; and that the said list is a true, exact, perfect, and just list, of all such persons as were really and truly prisoners in actual custody, in the gaol or prison of _____ on the said first day of January, one thousand seven hundred and sixty five, and who, since the said first day of January, one thousand seven hundred and sixty five, have been really and truly committed, or surrendered to the said gaol or prison of _____ (except as before excepted) to the best of my knowledge and belief; and that none of such prisoners, to my knowledge, or with my privity, have voluntarily, or with design, or in expectation to take any benefit, from or under any act of parliament to be made for relief of insolvent debtors, surrendered, or been committed to the said prison of _____ or got his, her, or their name or names entered as prisoner or prisoners in the books of the said prison, or, since their commitment, have, to my knowledge, or with my privity, resided out of the said prison of _____ [if any have so done, then add except inserting their names]

Which said respective oaths the said justices at the first or second general or quarter session aforesaid, or at some adjournment thereof, within their respective jurisdictions, are hereby impowered and required to administer in open court; and the words of the said oath herein before directed to be taken by the said warden and marshal respectively, shall be entered or written at the end or bottom of the list which shall be delivered in by them respectively, and shall be subscribed and sworn to by them respectively in open court; and the words of the oath to be taken by every other gaoler or keeper respectively, shall be entered or written at the end or bottom of the list which shall be delivered by them respectively, and shall be subscribed, and sworn to by them respectively in open court: and every such list which shall be so delivered in, subscribed, and sworn to, in pursuance of this act, shall be kept by the clerk of the peace of every such county, riding, division, city, town, place, or liberty respectively, in which any such list as aforesaid shall be sworn to, for the better satisfaction of the said justices, and information of all or any prisoner or prisoners therein named; and so as the same may, from time to time, be seen and examined by any creditor or creditors of such prisoner or prisoners, without fee or reward.

The oaths to be administered by the justices in court.

and entered and subscribed at the bottom of each list.

List to be kept by the clerk of the peace.

III. And be it further enacted by the authority aforesaid, That all and every gaoler and gaolers, and keeper of any gaol or prison, is and are hereby required, ten days at least before the first or second general or quarter session of the peace shall be held after the said seventeenth day of June, one thousand seven hundred and sixty five, for the county, riding, division, city, town, place, or liberty, in which any such gaol or prison shall be, or to which the same belong, to fix up, in some conspicuous

Copies of the lists to be delivered in to be fix'd up in the prisons, and on the gates thereof.

ous place or places in every such prison, and at the most frequented and usual gate, door, or entrance into every such prison, three or more true copies of the list or lists proposed or intended to be delivered in by any such gaoler or keeper, at the said general or quarter session, or at some adjournment thereof.

Persons inserted in the lists being prisoners, without a fraudulent intention, on 1 Jan. 1765.

conforming to the regulations of this act, shall be discharged.

Prisoners in custody at the time of passing this act, who were arrested for debt on or before 1 Jan. 1765, and held to bail, and rendered themselves, on or before 12 Feb. 1765, on conforming to the regulations of this act, shall be discharged.

Justices upon the petition of the prisoner, and his delivering a schedule of his estate.

IV. And be it further enacted, That all and every person and persons whose name or names shall be inserted in any such list to be delivered in as aforesaid, who, upon the first day of *January*, one thousand seven hundred and sixty five, were really and truly prisoners in the actual custody of any gaoler or gaolers, or keeper of any prison respectively of this kingdom, and did not come into or get his, her, or their names entered in the book of any gaol or prison as a prisoner or prisoners there, with a view or design to take the benefit of some act for relief of insolvent debtors, and who shall take the oath herein after-mentioned, and shall perform on his or her part what is required to be done by him or her by this act, shall be for ever released and discharged from his or her imprisonment, in such manner as hereafter is provided.

V. Provided always, and be it enacted by the authority aforesaid, That any prisoner or prisoners who shall be in actual custody at the time of passing this act, and was or were, on or before the first day of *January*, one thousand seven hundred and sixty five, arrested for any sum or sums of money by virtue of any writ or process issuing out of any court of record, and held to bail thereon, and did, on or before the twelfth day of *February*, one thousand seven hundred and sixty five, render him, her, or themselves, or was or were surrendered in discharge of his, her, or their bail, and thereupon committed to prison, and has or have continued therein until the passing of this act, by virtue of such commitment; every such prisoner or prisoners shall, upon due proof of the premises upon oath, be discharged from such debt or demand, in like manner as if such prisoner or prisoners had been actually in prison upon the said first day of *January*, one thousand seven hundred and sixty five, and continued therein as aforesaid; subject nevertheless to the same restrictions and provisions, and a compliance with the like terms, conditions, and qualifications, herein before imposed upon prisoners actually in custody upon the said first day of *January*, one thousand seven hundred and sixty five; and also subject to the same terms and provisions relating to the estate and effects of every such prisoner as aforesaid.

VI. And be it further enacted, That it shall be lawful for any justice or justices of any county, riding, division, city, town, place, or liberty, within this kingdom, upon the petition of any such prisoner or prisoners to any justice or justices of the peace within his or their respective jurisdictions, upon every such prisoner or prisoners so petitioning, and, at the time of his or her so petitioning, leaving with the justice or justices of the peace, who shall be so petitioned, a true copy of the schedule, containing his or her intended discovery of his or her real and personal estate;

estate; to be sworn to at the first or second general or quarter session next ensuing after every such petition, or some adjournment thereof, by warrant under his hand and seal, or their hands and seals, to require the sheriff or sheriffs, gaoler or gaolers, or keeper of any such prison within the jurisdiction of any such justice or justices, to bring before the justices at the first or second next general or general quarter session of the peace, or any adjournment thereof, to be held, as the case shall happen to be, next after the expiration of ten days from the date of such warrant, for such respective county, riding, division, city, town, place, or liberty, the body of any person being in the said prison as aforesaid, with the warrant or warrants of his or her detainer, together with a copy or copies of the cause or causes which he, she, or they, is or are charged with in any such gaol or prison as aforesaid, at the time aforesaid; which warrant of every such justice or justices every such sheriff and sheriffs, gaoler or keeper, is and are hereby commanded to obey.

are to issue their warrant for bringing the prisoner to the quarter sessions, &c.

with the warrant of detainer and copy of the writ, &c. Gaoler, &c. to obey such warrant.

VII. And be it also enacted, That the copy of every schedule which shall be left with any such justice or justices, shall, within ten days after the same shall be so left, be transmitted by the clerk or justices, with whom the same shall be so left, to the clerk of the peace for the county, riding, division, city, town, place, or liberty, in which the same shall have been so left, there to remain and be inspected, from time to time, as occasion shall require, by any creditor of any such prisoner who shall desire to inspect the same.

Schedule of the prisoner's estate to be transmitted to the clerk of the peace, for the inspection of the creditors.

VIII. And be it further enacted, that all and every prisoner and prisoners, who shall intend to petition to be discharged under this act, as aforesaid, shall first cause publick notice to be inserted in three several *London Gazettes* previous to such general or quarter session, or the adjournment thereof, at which the said prisoner or prisoners shall apply to be discharged from any goal in *London*, or within the weekly bills of mortality; and if such prisoner shall be in custody in any gaol out of *London*, or the weekly bills of mortality, then also in some news paper which shall be published in or near the county, riding, division, city, town, liberty, or place, in the goal whereof he or she shall be so in custody; containing the name, trade, and occupation, and two last places of abode, if so many, of every such prisoner and prisoners, and the prison wherein he, she, or they, is or are confined, and of his, her, or their intention to take the benefit of this act, and mentioning such notice in each gazette or news paper, to be the first, second, or third notice, according to the time of publishing each of such notices; and for the inserting of each of which said several notices in the said gazette, or in any other news paper, there shall be paid, each time, by every such prisoner, two pence, and no more: the first of which said notices shall be so inserted in the said gazette, or in the said other news paper, as the case may require, thirty days at least, and the last of the said notices ten days at least, before any such first or second general or quarter session, or adjournment thereof,

Prisoners intending to petition for their discharge, are to give previous notice thereof thrice in the gazette and other news papers:

contents of the notice.

ad. each time and no more to be paid for inserting such notices.

First notice to be inserted 30 days, and the last 10 days,

before the
quarter ses-
sions, &c.

shall be held as as aforesaid ; so that as well all the creditors who have not charged the said prisoner or prisoners in custody, as those creditors who have charged such prisoner or prisoners in execution, or on mesne process, or otherwise, may have sufficient notice thereof.

Prisoner being
brought into
court, due
publication of
the notices re-
quired being
proved, &c.

is to deliver
in a schedule
of his estate,
debts, and
creditors

IX. And be it further enacted, That every such prisoner as aforesaid, who in pursuance of any such warrant as aforesaid, shall be brought to any general or general quarter session, or any adjournment thereof, shall, in case it shall be proved upon oath or by producing the said three gazettes and news papers before mentioned to the said justices at any such session, or the adjournment thereof, that such notices were so inserted in the *London Gazette*, and other news papers, where required, in manner as herein before is directed; and that the person or persons so petitioning, was or were actually a prisoner or prisoners on the said first day of *January*, one thousand seven hundred and sixty five, or since, in the gaol or prison in which his, her, or their name or names is or are specified in the list of prisoners there delivered in at any such first or second session, or any adjournment thereof as aforesaid, in pursuance of this act, shall, in open court at the said general or quarter session, or any adjournment thereof, subscribe and deliver in a true schedule or account of all his or her real estate, either in possession, reversion, remainder, or expectancy; and also of the whole of his or her personal estate which he or she, or any person or persons in trust for him or her, or for his or her use, benefit, or advantage, is or are seized of, interested in, or intitled to, with the names of his or her several debtors, and where they respectively live, or may be met with; and the several sums of money from them respectively owing, and how the same respectively became due, and are secured; and if by mortgage, specialty, contract, note, or other writing, then the name and names and places of abode of the several witnesses who can prove such debts or contracts (if there be any such) and shall also make oath and swear to the effect following; (that is to say)

Prisoner's
oath on deli-
vering in the
said schedule.

I A. B. upon my corporal oath, in the presence of Almighty God, do solemnly swear, protest, and declare, That on the first day of January, one thousand seven hundred and sixty five, I was a prisoner, or else, as the case may be, that since the first day of January, one thousand seven hundred and sixty five, I have surrendered, or have been committed to the prison of _____ in discharge of my bail, or for want of bail, as the case shall be; and that I was actually arrested before the said first day of January, one thousand seven hundred and sixty five, in the action or suit, actions or suits, in which I surrendered, or was committed, as aforesaid, to the said gaol or prison of _____ and that I have, ever since my said surrender or commitment, continued a prisoner within the prison of _____ in the actual custody of the gaoler or keeper of the said prison of _____ or within the liberties thereof, at the suit of _____ and without any

any fraud or collusion whatsoever; and that the schedule now delivered by me and subscribed, doth contain to the best of my knowledge, remembrance, and belief, a full, just, true, and perfect account and discovery of all the goods, effects, and estates, real and personal, either in possession, reversion, remainder, or expectancy, which I, or any person in trust for me, or for my benefit or advantage, am seized or possessed of, interested in, or intitled to; and of all debts as are to me owing, or to any person or persons in trust for me; and of all the securities and contracts whereby any money now is, or will or may hereafter become payable, or any benefit or advantage may accrue to me, or to my use, or to any person or persons in trust for me; and the names and places of abode of the several persons from whom such debts are due and owing; and of the witnesses that can prove such debts or contracts, if any such there be; and that neither I, nor any other person or persons in trust for me, or for my use, have any lands, money, stock, or any estate, real or personal, in possession, reversion, or remainder, or expectancy, other than what are in the said schedule contained; except wearing apparel, and bedding for myself and family, working tools, and necessary implements for my occupation and calling, and these in the whole not exceeding the value of ten pounds; and that I have not, nor any body for me hath, directly or indirectly, sold, lessened, or otherwise conveyed, disposed of in trust, or concealed, all or any part of my lands, money, goods, chattels, stock, debts, securities, contracts, or estate, real or personal, whereby to secure the same, or to receive or expect any profit or advantage thereof, or with intent to defraud or deceive any creditor or creditors, to whom I am or was indebted in any wise howsoever.

So help me GOD.

And the said schedule and oath shall be by every such prisoner Schedule and subscribed in the presence of the justices in open session of the peace as hereby is directed, and shall be kept by, and remain with the clerk of the peace for the county, city, liberty, division, town, or place, where the same shall be subscribed and taken, for the better information of all the creditors of such prisoner who shall desire, or may have occasion, to resort thereto; and every such creditor shall be at liberty at seasonable times in the day-time, to peruse and examine over the same. oath to be subscribed in the court; and lodged with the clerk of the peace, for the examination of the creditors.

X. And be it further enacted, That the justices within their respective jurisdictions, at any such general or general quarter session, or adjournment thereof, at the request of any creditor or creditors of any such prisoner, are hereby authorized to cause the deputy warden and marshal of the Fleet and King's Bench prison, and any other under officer, tipstaff and turnkey of any gaol or prison, and any other person to come before them, and to examine them respectively on oath, touching any of the matters contained in any of the oaths prescribed by this act to be taken, and the truth thereof; and if the oath which shall have been taken in open court by any such prisoner or prisoners shall not be disproved by good testimony of any credible person or

Court, if required by the creditor, may administer an oath to the gaoler, or any other person, touching any of the matters prescribed to be sworn to.

The prisoner's oath not being disproved, the court is to discharge him;

upon paying a fee of 1s. to the gaoler.

Gaoler indemnified for the escape.

Estate and effects of the prisoner, upon his discharge, to vest in the clerk of the peace,

who is to make over the same to the assignees named by the court.

for which he is to be paid as and no more.

Assignees empowered to sue,

persons on oath, and such justices, or the major part of them, present at any such general or quarter session, shall be satisfied with the truth of the oath taken by any such respective prisoner, then such justices shall, in such session, or some adjournment thereof, command the said sheriff or sheriffs, gaoler or gaolers, or keeper of such prison or prisons, forthwith to set at liberty such prisoner or prisoners, without having or taking any fee or reward, other than one shilling for his or their attendance with such prisoner or prisoners at such general or quarter session, or any adjournments thereof, in order for his, her, or their discharge, and which every such sheriff or sheriffs, gaoler or gaolers, keeper or keepers of such prison or prisons, is and are hereby authorized to receive and take for every such order: and every such order shall be a sufficient discharge to the sheriff or sheriffs, gaoler or gaolers, or keeper of such prison or prisons, and shall indemnify him or them against any escape or escapes, or action or actions whatsoever for escape, which shall or may be brought, commenced, or prosecuted against him or them.

XI. And be it further enacted by the authority aforesaid, That all the estate, right, title, interest, and trust, of such prisoner, of, in, and unto, all the real estate, as well freehold and copy as customaryhold, and to all the personal estate, debts, and effects, of every such prisoner, shall, immediately after the discharge of any such prisoner, be, and the same is hereby vested in the clerk of the peace of and for the county, riding, city, town corporate, division, liberty, or place, where any such prisoner shall be respectively discharged; and every such clerk of the peace is hereby directed and required to make an assignment and conveyance of every such prisoner's estate and effects, vested in such clerk of the peace as aforesaid, to such creditor or creditors of the said prisoner as the justices at any general or general quarter session of the peace, or at any adjournment thereof, which shall be held by them within their respective jurisdictions, shall order or direct (which assignment and conveyance shall be good and effectual in law to all intents and purposes whatsoever, without being wrote on parchment or paper stamped) and to vest the estates thereby assigned and conveyed, in the party or parties to whom the same shall be so assigned and conveyed, his, her, and their heirs, executors, administrators, and assigns, according to the estate and interest the prisoner had therein; and for the preparing, ingrossing, and executing, of which assignment and conveyance, no clerk of the peace shall take any greater fee than two shillings; and every such assignment and conveyance shall be in trust for the benefit of the creditor or creditors of every such prisoner to whom the same shall be made, and the rest of the creditors of such prisoner, in respect or in proportion to their respective debts: and every person and persons to whom any such assignment and conveyance as aforesaid shall be made, is and are hereby fully empowered to sue, from time to time, as there may be occasion, in his, her, or their own name or names, for the recovery and attain-

ing

ing any estate or effects of any such prisoner, and also to execute any trust or power vested in, or created for, the use or benefit of any such prisoner; but in trust, for the benefit of him or themselves, and the rest of the creditors of every such prisoner; and to give discharge and discharges to any debtor or debtors to any such prisoner as shall be requisite: and every such assignee and assignees shall, with all convenient speed after his or their accepting any such assignment or conveyance, use his and their best endeavours to receive and get in the estate and effects of every such prisoner; and shall, with all convenient speed, make sale, or disposition of sale, of all the estates of such prisoner vested in such assignee or assignees; and if any such prisoner shall be interested in, or intitled to, any real estate, either in possession, reversion, or expectancy, the same, within the space of two months after every such assignment and conveyance, shall be sold by publick auction in such manner, and at such place, as the major part of the creditors of any such prisoner who shall assemble together on any notice in writing published in the *London Gazette*, or in some daily paper, if the prisoner before his going to gaol resided in *London*, or in the weekly bills of mortality, and if elsewhere, then in some news paper which shall be published in or near the county, riding, division, city, town, liberty or place, in which such prisoner dwelt before he or she was committed to gaol, thirty days before any such sale shall be made, shall, under his hand, or their hands, agree on: and every such from assignee and assignees, at the end of three months at farthest the time of his accepting any such assignment or conveyance as aforesaid, shall make a just and fair dividend of all such prisoner's estates and effects which shall have been then got amongst his or her creditors, in proportion and in regard to each creditor's respective debts; but before any such dividend shall be made, such assignee or assignees shall make up an account of such prisoner's estate and make oath in writing before one or more justice or justices of the peace of the county, riding, division, town, liberty, or place, in which any such prisoner shall have been discharged, that every such account contains a just and fair account of the estate and effects of every such prisoner got in by or for such assignee or assignees, and of all payments made in respect thereof, and that all payments in every such account charged, were truly and *bona fide* made and paid; and notice of the making of every such dividend shall be published in like manner as a meeting of creditors is herein before directed to be published, thirty days at least before the same shall be made: and no creditor shall be allowed to receive any share of such dividend, until he shall have made out the justness and identity of his respective debt by oath, or due proof in writing, before some such justice or justices; and if any creditor of such prisoner shall be dissatisfied with the reality or fairness of any debt claimed by any other creditor, then the same, at the request of any such creditor or creditors so dissatisfied, shall be examined into by the justices of the county, riding, division, city, liberty

and execute any trust or power in the prisoner's behalf; and give discharges. They are to get in, with all speed, the estate and effects of the prisoner, and make sale, within a months, of prisoner's real estate, in manner agreed upon at a meeting of the creditors summoned for that purpose; and make a dividend within 3 months; first making up their accounts, and verifying the same upon oath. 30 days notice to be given of making any dividends, and none to receive any share thereof but such as shall prove their debts. Debts entered, to be examined into and determined by the court.

Surplus of the prisoner's estate, after satisfying all claims thereon, to go to the prisoner.

No suit in equity to be commenced, but by consent of the majority in value of the creditors.

Clerk of the peace to exhibit to the creditor, or his attorney, upon payment of 1s. the schedule of the prisoner's estate and effects:

attested copy thereof to be granted;

which shall be evidence in all courts.

Clerk of the peace refusing to produce such schedule, or to deliver a copy thereof, or taking exorbitant fees for the same,

ty, or place, in which such prisoner shall have been discharged, at their next general or general quarter session, and what they shall there determine in the premises, shall be conclusive to all parties: and if, after payment of all such prisoner's creditors, there shall any of his estate and effects remain after payment of all reasonable charges, the same shall be paid to such prisoner, his executors or administrators.

XII. Provided further, and be it also enacted, That no suit in equity shall be commenced by any assignee or assignees of any such prisoner's estate and effects, without the consent of the major part, in value, of the creditors of such prisoner, who shall meet together pursuant to a notice to be given in the *London Gazette* for that purpose.

XIII. And be it further enacted by the authority aforesaid, That the clerk of the peace of every respective county, city, and county town, and county, riding, division, cinque port, liberty, and place, with whom any schedule of the estates of any insolvent debtor or debtors, fugitive or fugitives, shall be left, and his successors, clerks of the peace as aforesaid, shall, on the reasonable request of any creditor or creditors of such insolvent debtor or debtors, fugitive or fugitives, or his or their attorney, produce and shew to such creditor or creditors, or his or their attorney, in the day-time, the schedule of the estates of any such insolvent debtor or debtors, fugitive or fugitives, which shall be left with any such clerk of the peace, or his predecessor in that office; the person so requiring to see and peruse any such schedule, paying or tendering to the clerk of the peace, in whose custody any such schedule shall be, or his deputy, the sum of one shilling, for his trouble in searching for, and looking out, such schedule, and attending whilst the same shall be perused by the party or parties requiring to have the same looked out, and to peruse the same; and that a true copy of every such schedule, signed by the clerk of the peace in whose custody the same shall be, or his deputy, purporting, the same to be a true copy of such schedule, without being wrote on stamp paper, and for which copy no more shall be paid than six pence by the sheet, each sheet to contain ninety words, and so in proportion for a lesser number of words in any sheet, shall, at all times, be admitted in all courts whatsoever as legal evidence of the same: and if any clerk of the peace, or his deputy, shall, on reasonable request as aforesaid, neglect or refuse to produce to any such creditor or creditors as aforesaid, or his or their attorney, any such schedule as aforesaid, and to permit the same to be inspected as aforesaid, in the day-time, on such payment or tender as aforesaid, being made to him; or shall ask or take more than after the rate of six pence by the sheet, each sheet to contain ninety words, and so in proportion for less than ninety words in a sheet; or shall refuse to make and deliver a copy of any such schedule, on being requested as aforesaid so to make the same, and having the money tendered to him for payment of such copy, after the rate aforesaid; shall, for every such offence, for-

feit and pay the sum of ten pounds, which shall and may be sued for and recovered in any of his Majesty's courts of record at *Westminster*, by action of debt, together with treble costs of suit, in the name of any person who will prosecute for the same: and one moiety of which money forfeited, shall, when recovered, go to the party who prosecutes for the same, and the other moiety thereof to the poor of the parish in which the offence shall be committed.

forfeits 10l. and treble costs; one moiety to the prosecutor, and the other to the poor of the parish.

XIV. Provided always, and be it enacted, That before such time as any assignee or assignees, as aforesaid, shall enter on, or take any profit from, any copyhold or customary estate as aforesaid, he or they shall agree and compound with the lord or lords of the manor or manors of whom the same shall be holden, for the payment of such fine or income as, upon any surrender and admission thereto, hath heretofore been most usually accustomed to be paid; and that upon every such agreement or composition, the said lord or lords for the time being, at the next court, or some subsequent court, which shall be holden for the said manor or manors, after such agreement made, shall admit such assignee or assignees tenant to such copyhold or customary premises, according to the custom of the said manor or manors of which the same shall be holden, for and during such estate and interest as the prisoner had therein at the time of his or her being discharged as aforesaid, reserving the rents, duties, heriots, customs, and services, payable and to be rendered in respect of the said copyhold and customary premises.

Assignees of copyhold and customary estates to compound with the lord of the manor, and to be admitted tenants thereupon.

XV. Provided also, That nothing herein contained shall extend to prejudice or affect any estate, or interest, or right whatsoever, of any other person or persons, other than the said prisoner or fugitive, which may be expectant upon, or subject unto, the estate or interest of the said prisoner or fugitive: hereby vested in the said clerk of the peace; but that the estate, interest, and right whatsoever, of every other person and persons, shall remain, continue, and be saved to them, in the same manner as if this act had not been made.

The prisoner's, &c. right and interest only to be affected by this act.

XVI. Provided further, and be it enacted by the authority aforesaid, That where any rent, not exceeding two years rent, shall be due to any person or persons from such prisoner or prisoners, at the time of his or their respective discharges, in respect to any messuages, lands, or tenements, then in lease to such prisoner or prisoners respectively, for life or lives, for years, at will, or otherwise, no goods or chattels then lying or being in or upon the respective tenements, liable to be distrained, shall be assigned by the clerk of the peace in manner aforesaid, but shall, by such clerk of the peace, be transferred to such landlord or landlords, or some person or persons intrusted for him or them respectively, towards satisfaction of the rent then due, not exceeding two years rent, as aforesaid, unless the person or persons to whom such assignment and conveyance shall be made by such clerk of the peace, shall, by writing under his hand, or their respective hands, before such assignment shall be made,

Effects on the premises, where rent is due, are to be transferred to the landlord, and not made over to the assignees;

unless they shall agree to satisfy the landlord,

agree

Act 3 Annæ.

agree to pay or satisfy to such landlord or landlords the rent to him or them respectively due, not exceeding two years rent as aforesaid; to the intent that such landlord or landlords may be satisfied the rent or rents to him or them respectively due, before any division of the estate or effects of such prisoner or prisoners shall be made among his other creditors, in like manner as he or they might be satisfied the rent to him or them respectively due, before the removal of such goods and chattels, by virtue of an execution, by force of the statute made in the eighth year of her late Majesty's reign, intituled, *An act for the better security of rents, and to prevent frauds committed by tenants*; any thing herein before contained to the contrary thereof notwithstanding.

All mortgages, statutes, recognizances, and judgements, are to take place, preferable to claims of an inferior nature.

XVII. Provided also, and be it enacted by the authority aforesaid, That nothing in this act shall extend, or be construed to hinder or prevent, any mortgage or mortgages upon the estate of such prisoner or prisoners, or any part thereof, to take place upon the lands, tenements, or hereditaments, comprised in such mortgage or mortgages respectively; nor to prevent any statute staple, statute merchant, recognizance, or judgement, acknowledged by, or obtained against, any such prisoner or prisoners, to take place upon the lands, tenements, or real estate of such prisoner or prisoners; and also where any inquisition shall have been taken upon any such statute or recognizance, or any writ of execution shall have been taken out and delivered to the sheriff or proper officer, upon any such judgement before such discharge shall be given in open session to any such person as aforesaid, the personal estate of every such prisoner respectively shall be subject thereto, in the first place, for so much as shall remain really due upon such mortgage, statute, recognizance, or judgement respectively, in like manner as such mortgagees and creditors, by statute, recognizance, or judgement, would have been preferred to other creditors of an inferior nature, against the real or personal estate of such prisoner and prisoners respectively, if this act had not been made; any thing herein before contained to the contrary thereof in any wise notwithstanding.

Power in the prisoner of leasing lands, &c. to vest in the assignees,

XVIII. And whereas many persons who may be intituled to, and claim the benefit of, this act, are seised and possessed of lands, tenements, and hereditaments, to hold to such prisoners for the term of their natural lives, with power of granting leases, and taking fines, reserving small rents on such estates, for one, two, or three lives, in possession or reversion, or for some number of years determinable upon lives; which said powers ought to be executed for the benefit of the creditors of such prisoners; be it therefore enacted by the authority aforesaid, That in every such case, all and every the powers of leasing such lands, tenements, and hereditaments, which are or shall be vested in any such prisoner or prisoners as aforesaid, shall be, and are hereby vested in the assignee or assignees of the real and personal estate of such prisoner, by virtue of this act,

act, to be by such assignee or assignees executed for the benefit of all and every the creditors of such prisoners as aforesaid.

XIX. And whereas in some gaols or prisons in this kingdom, the office of gaoler or keeper is held in fee for life, or otherwise, by persons who never act as gaolers or keepers themselves, or know any thing of the prisoners therein, but depute or employ some person or persons under them as gaolers or keepers of such gaols or prisons; be it therefore enacted, That in every such case, the person who shall have been actually employed and acted as deputed gaoler or keeper of any such gaol or prison, at the time of the delivering in the lists, hereby directed to be delivered in, of prisoners in any such gaol or prison, at any general or quarter session of the peace, or some adjournment thereof, and not the principal gaoler or keeper (unless where such principal gaoler or keeper shall act as gaoler or keeper himself) shall take the oath herein before appointed to be taken by the gaoler or keeper of every such gaol or prison.

The acting gaoler at the time of delivering the lists, only liable to be sworn.

XX. And be it further enacted by the authority aforesaid, That the justices at any general or quarter session of the peace, or adjournment thereof, to which any prisoner shall be brought in pursuance of this act, shall, if required by any creditor or creditors of any such prisoner or prisoners who shall oppose his or her discharge, administer and give to the gaoler, or the person who acts as gaoler or keeper of any such prison, at the time bringing up any such prisoner in order to be discharged under this act, an oath to the following effect (that is to say)

Court, if required by a creditor, opposing the prisoner's discharge, is to administer the following oath to the gaoler.

I A. B. do swear, That *was really and truly a* The oath.
prisoner in my custody, in the prison of to the
best of my knowledge and belief, at or upon
and that the copy or copies of the cause or causes of his or her commitment or detainer, now by me brought with the body of the said
and produced to this court, is or are a
true copy or copies of the cause or causes of such detainer or commitment, without any fraud or deceit by me, or any other person whatsoever, to the best of my knowledge and belief.

So help me G O D.

And if any person who was gaoler or keeper, or deputed gaoler or keeper, of any such gaol or prison on the said first day of January, one thousand seven hundred and sixty five, or since, shall not happen to be the gaoler or keeper, or deputed gaoler or keeper, of any such gaol or prison, at the time any such list as aforesaid is hereby required to be delivered in, then the justices at any such session, or at any adjournment thereof, may, and are hereby required to administer and give the respective person or persons who shall be gaoler or keeper, or deputed gaoler or keeper, of any such gaol or prison, and deliver in any such list as aforesaid at any such general or quarter session, or any adjournment thereof, an oath, touching the commitments or books of

If such person shall not have been the gaoler on 1 Jan. 1765, &c. then the following oath is to be administered to him.

com-

commitment of any such prison, to the effect following (that is to say)

The oath.

I A. B. do swear, That I have examined the commitments, or books kept of or concerning the commitment, of prisoners to the prison of _____ in the (county, riding, division, city, town, place, or liberty of _____ as the case shall be) and that I do verily believe that the said commitments, or books of commitment, are really true, and not fictitious, nor calculated for this purpose; and by them it doth appear that, _____ was on the _____ day of _____ really and truly a prisoner in the actual custody of _____ the then gaoler or keeper, or deputed gaoler or keeper, of the said prison, without fraud or deceit, by me, or any other person or persons to my knowledge.

So help me G O D.

Court, if required by a creditor, may summon the person who acted as gaoler on 1 Jan. 1765, or since,

and examine him touching the commitment and continuance in custody of the prisoner. Gaoler disobeying the warrant, or order of the court, &c. forfeits tool with treble costs.

XXI. And, in order to discover any fraudulent entries or commitments of prisoners in any gaol books, be it further enacted by the authority aforesaid, That the justices at any general or quarter session of the peace, or any adjournment thereof, are hereby authorized, at the request of any creditor or creditors of any prisoner, to convene before them, at some certain time to be appointed by them, any person or persons who was or were gaoler or keeper, or reputed gaoler or keeper, of any gaol or prison within their respective jurisdictions, on the said first day of *January* one thousand seven hundred and sixty five, or at any time since, and to examine every such gaoler or keeper, or deputed gaoler or keeper, on oath, touching the commitment and continuance in custody of any such prisoner, as the justices, at any such general or quarter session, or adjournment thereof, shall think fit: and if any sheriff, gaoler, or keeper, or reputed gaoler or keeper, shall neglect or refuse to bring before such justices at any session of the peace, or adjournment thereof, any prisoner as shall be directed and required by warrant of any justice or justices as aforesaid, or to attend, or being summoned for that purpose; or if any gaoler or keeper attending, shall refuse to make answer and discovery in the premises, as shall be reasonably required at such general or quarter session, or any adjournment thereof; he, she, or they, so offending in the premises, shall for every such offence, forfeit and pay the sum of one hundred pounds, to be recovered by and in the name, and for the use, of the party injured, by action of debt, to be brought in his or her name, in any of his Majesty's courts of record at *Westminster*, together with treble costs of suit.

XXII. And whereas great number of workmen, skilful in the several trades and manufactures of this kingdom, and also many able seamen and mariners, finding themselves unable to satisfy the whole of their respective debts, and dreading the miseries,

series of a gaol, have chose to leave their employments and native country, and have entered themselves in foreign service: and whereas their continuance abroad must be of great prejudice to the trade of this kingdom; in order therefore to induce and enable such persons to return, be it enacted by the authority aforesaid, That all and every debtor and debtors, who was or were actually beyond the seas in foreign parts on the said first day of *January*, one thousand seven hundred and sixty five, and did not go into such foreign parts with the view or intent to gain or have the benefit of an insolvent debtor's act, who shall return and surrender himself or themselves unto the gaoler or gaolers, keeper or keepers, of the prisons of the *King's Bench*, *Marshalsea*, or *Fleet*, or to the gaoler or keeper, or deputed gaoler or keeper, of the prison or prisons of such county, city, town, riding, division, liberty, or place, where such debtor or debtors last dwelt for the space of six months (which said gaoler or gaolers, keeper or keepers, is and are hereby required and impowered to receive and detain such debtor or debtors surrendering as aforesaid, in order to their discharge as herein after mentioned) shall, from and immediately after such surrender as aforesaid, be deemed a prisoner or prisoners within, and be to all intents and purposes intitled to, the benefit of this act; and shall, upon due proof of the said premisses, by the oath of such debtor or debtors (not disproved by any credible witness) be discharged in the same manner as if he, she, or they, had been actually in prison on the said first day of *January*, one thousand seven hundred and sixty five, and continued therein as aforesaid; subject nevertheless to the same restrictions and provisions, and a compliance with the like terms, conditions, and qualifications, herein before imposed upon the said prisoners actually in custody upon the said first day of *January*, one thousand seven hundred and sixty five, and also subject to the terms and provisions relating to the estate and effects of such prisoner as aforesaid; excepting only such particulars thereof, as require the name of a prisoner to be inserted in the gaoler's or keeper's list as aforesaid, or relate to the oaths of such gaoler or keeper herein before appointed to be taken, which particulars cannot possibly be applied to the case of persons surrendering themselves as aforesaid; and also except the said oath herein before appointed to be taken by prisoners in custody upon the said first day of *January*, one thousand seven hundred and sixty five, instead whereof, the said person or persons so surrendering shall take an oath in open court at some general or quarter session of the peace, or some adjournment thereof, of the county, city, town, riding, division, place, or liberty, in the prison of which any such fugitive or debtor, shall be held after the surrender of any such fugitive or debtor, to the effect following; which the said justices authorized to put this act in execution, are hereby required and impowered to administer, in such manner as the oaths herein before-mentioned are to be administered.

Debtors who were beyond the seas on 1 Jan. 1765, surrendering themselves, may take the benefit of this act,

upon the same terms as other prisoners;

excepting such particulars wherein the cases of both differ.

Fugitive's
oath.

I A. B. upon my corporal oath, in the presence of Almighty God, solemnly swear, protest, and declare, That I was actually on the first day of January, one thousand seven hundred and sixty five, beyond the seas in foreign parts, videlicet, at and that the schedule now delivered and by me subscribed, doth contain, to the best of my knowledge, remembrance, and belief, a full, just, true, and perfect account and discovery of all the real estate, goods, effects, and other personal estate, in any wise belonging to me; and also of all such debts as are to me owing, or to any person or persons in trust for me; and of all the securities and contracts whereby any money now is, or will or may hereafter become payable, or whereby or wherefrom any benefit or advantage may accrue to me, or to my use, or to any other person or persons in trust for me; and the names and places of abode of the several persons from whom such debts are due and owing; and of the witnesses that can prove such debts or contracts, if any such there be; and that neither I, nor any person or persons in trust for me, is or are seized of any real estate in possession, reversion, or remainder, or expectancy, or of any personal estate of any kind whatsoever, other than what are in the said schedule contained; except my wearing apparel, and bedding for myself and family, my working tools, and necessary implements for my occupation and calling, not exceeding in the whole, the value of ten pounds; and that I have not, directly or indirectly, sold, lessened, or otherwise conveyed, disposed of in trust, or concealed, all or any part of my real estate, money, goods, chattels, stocks, debts, securities, contracts, or other personal estate whatsoever, whereby to secure the same, so as to receive or expect any profit or advantage therefrom to myself or family, or with any view, intent, or design, to defraud or deceive any creditor or creditors, to whom I am indebted in any wise howsoever, or prevent their recovering or attaining their respective debts.

So help me G O D.

Gaoler and
printer of the
Gazette, or
other news
paper, not
complying
with the re-
gulations in
this act, for-
feit cool. to
the prisoners,
with treble
costs of suit.

XXIII. And be it further enacted by the authority aforesaid, That if any gaoler or keeper of any prison, or his deputy or deputies, shall, without just cause to be approved of by the justices at some general or quarter session of the peace, or adjournment thereof, within their respective jurisdictions, refuse or delay to bring any such prisoner or prisoners as aforesaid to any such general or quarter session, or some adjournment thereof, in order to his or her discharge, or shall neglect, refuse, or designedly omit to insert, in any such list, the name or names of any such prisoner or prisoners who was or were actually in custody in his or their respective gaol or prison on the said first day of January, one thousand seven hundred and sixty five, or since; or shall neglect or refuse to make out, fix up, or deliver, such lists as aforesaid; or if any such gaoler or keeper, or deputed gaoler or keeper, shall neglect or refuse to take any of the said oaths before mentioned, and hereby required to be taken by him; or shall, upon any account or pretence whatsoever, take or receive

ceive more than the said sum of one shilling herein before allowed for his or her attendance in order to be discharged of such prisoner or prisoners as aforesaid; or shall detain any such prisoner after he or she shall be discharged as aforesaid; or if the printer of the *London Gazette*, or other news paper as aforesaid, shall wilfully refuse or neglect to insert therein the name, trade, occupation, and last place of abode, of such prisoner, on reasonable request to him made for that purpose, and tender of the money hereby directed to be paid; or shall take or receive any fee or gratuity more than two pence as aforesaid for doing thereof; every such gaoler and keeper of such prison or prisons, his deputy or deputies, and every such printer as aforesaid, shall respectively forfeit and pay to each prisoner, in any such case injured, the sum of one hundred pounds; which shall and may be recovered, with treble costs of suit, by action of debt, bill, plaint, or information, in any of the courts of record at *Westminster*, wherein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed.

XXIV. And be it further enacted by the authority aforesaid, Gaoler con- That if any such gaoler or gaolers, or keeper or keepers, or any vicied of per- deputed gaoler or keeper, of any prison, shall, in taking any of jury, forfeits the aforesaid oaths, forswear or perjure himself, and ^{500l. with} shall thereof be lawfully convicted, such gaoler or keeper, or de- ^{full costs of} sputed gaoler or keeper, of such prison or prisons (over and above suit, &c. such penalties as may be inflicted on persons convicted of perjury) shall, upon every such conviction, forfeit and pay the sum of five hundred pounds; to be recovered with full costs, by bill plaint, or information, or action of debt, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, or wager of law, shall be allowed, by and in the name of such person or persons, his or their executors and administrators, to whom any assignment or conveyance, in pursuance of this act, shall be made, of the estate and effects of such prisoner or prisoners; and if no such assignee or assignees shall be living, then in the name or names of any other creditor or creditors who shall sue for the said penalties; to be applied, one moiety of the informer or informers, and the other moiety towards satisfaction of the debts of such his creditor or creditors.

One moiety to go to the informer, and the other towards satisfying the debts of the creditors.

XXV. And be it further enacted, That if any clerk of the peace, or his deputy, shall delay or refuse to give every or any such prisoner so discharged as aforesaid, within ten days after his or her discharge, a copy of the order of his or her discharge, on the payment of two shillings and six pence, or shall take more than the said sum of two shillings and six pence for such copy, or shall take more than two shillings for an assignment or conveyance of such prisoner's estate or effects; every clerk of the peace, or his deputy, who shall so offend, and who shall be convicted at any such general or quarter session of the peace, or any adjournment thereof, of any such offence, shall for every such offence, forfeit and pay to every such prisoner the sum of twenty pounds, as the justices of the peace, at any such general

Clerk of the peace refusing the prisoner a copy of his discharge, or taking exorbitant fees for the same, or for assigning over the prisoner's estate and effects; forfeits 20l. to the prisoner.

or

or quarter session of the peace, or adjournment thereof, shall order; and who are hereby impowered to cause the same to be levied by distress and sale of the goods of any such clerk of the peace, or his deputy, so offending.

Prisoner convicted of perjury to suffer as a felon.

XXVI. And be it further enacted by the authority aforesaid, That if any prisoner as aforesaid, or any other person or persons, who shall take the benefit of this act, shall forswear or perjure himself, herself, or themselves, in any oath to be taken under this act, and shall be fully convicted thereof, he, she, or they, so offending, shall be adjudged a felon, and suffer as such, without benefit of clergy.

Persons discharged by this act, not liable to arrest for debts, &c. contracted before 1 Jan. 1765.

XXVII. And be it further enacted by the authority aforesaid, That no person to be discharged by this act shall, at any time hereafter, be imprisoned by reason of any judgement or decree obtained for payment of money only, or for any debt, damages, contempts, costs, sum or sums of money, contracted, incurred, occasioned, owing, or growing due, before the said first day of *January*, one thousand seven hundred and sixty five; but that upon every arrest upon every judgement or such decree, or for such debts, damages, contempts costs, sum and sums of money, it shall and may be lawful for any judge of the court where the process issued, upon shewing the copy of the order of such prisoners discharge or discharges, to release and discharge out of custody such prisoner or prisoners as aforesaid; and every such judge is hereby impowered so to do on such prisoners causing a common appearance to be entered for him in every such action and suit.

Justices, sheriffs, and gaolers, may plead this act to any action of escape, or suit brought against them and recover treble costs. Persons discharged may plead generally, &c. to all actions or judgements brought against them before 1 Jan. 1765, &c.

XXVIII. And be it further enacted by the authority aforesaid, That if any action of escape, or any suit or action, be brought against any justice or justices of the peace, sheriff, gaoler, or keeper of any prison, for performing their office, in pursuance of this act, they may plead the general issue, and give this act in evidence; and if the plaintiff be nonsuited, or discontinue his action, or verdict pass against him, or judgement upon demurrer, the defendant shall have treble costs.

XXIX. And be it further enacted by the authority aforesaid, That if any *scire facias*, or action of debt, or upon judgement, shall be brought against any prisoner, his or her heirs, executors, or administrators, upon any judgement obtained against any such prisoner, or on any statute or recognizance acknowledged by him or her, before the said first day of *January*, one thousand seven hundred and sixty five, with respect to prisoners in actual custody, or with respect to debtors beyond the seas, as aforesaid, upon the said first day of *January*, one thousand seven hundred and sixty five, it shall be lawful for any such prisoner, his or her heirs, executors, or administrators, to plead generally that such prisoner was actually a prisoner in such prison at such a person's suit, or was or were beyond the seas in foreign parts on the said first day of *January*, one thousand seven hundred and sixty five, and was or were duly discharged according to this act, at the general or quarter session, or adjournment

ment thereof, held at such time and place for such county, riding, division, liberty, city, town, or place (as his, her, or their case is) without pleading any matter specially; and in case any other suit or action shall be commenced against him, her, or them, for any other debt, sum or sums of money, due before the said first day of *January*, one thousand seven hundred and sixty five, to plead in discharge of his or her person from execution (over and above such matters as aforesaid) that such debt or sum of money (as the case shall happen) was contracted or due before the said first day of *January*, one thousand seven hundred and sixty five, without pleading any other matter specially; whereto the plaintiffs shall or may reply generally, and deny the matters pleaded as aforesaid, or reply any other matter or thing which may shew the said defendant not to be intitled to the benefit of this act, or not duly discharged according to it, in the same manner as the plaintiff might have replied, in case the defendant had pleaded this act, and his discharge by virtue of this act, specially; and if the plaintiff be nonsuited, discontinue his action, or verdict pass against him, or judgment on demurrer, the defendant to have treble costs.

XXX. Provided always, and be it enacted by the authority aforesaid, That no person against whom a commission of bankrupt hath been awarded and issued out, and who hath not already obtained his certificate and discharge of his debts, in pursuance of and in such manner as is directed by some or one of the acts of parliament now in force relating to or concerning bankrupts, or shall not obtain such certificate and discharge before such time as he shall be brought before the justices of the peace at their general or quarter session, or some adjournment thereof, held as aforesaid, in order to be discharged in pursuance of this act, shall have or receive any benefit or advantage of or under this act, nor be deemed to be within the meaning thereof.

XXXI. Provided also, That nothing in this act contained shall extend, or be construed to extend, to release or discharge any attorney at law, or solicitor, or any other person or persons acting, or pretending to act, as such, with regard to any debt with which he or they shall stand charged, for any money, or other effects, recovered and received by him or them, for the use of any person or persons, bodies corporate or politick, and by any attorney, solicitor, or other person or persons acting as such, embezzled, concealed, or converted to his or their own use; any thing herein contained to the contrary thereof in any wise notwithstanding.

XXXII. And be it further enacted by the authority aforesaid, That every gaoler or keeper of any prison shall and is hereby required to suffer, in the day-time, any person or persons desiring the same, to see and speak, in the lodge, or some convenient room of the said prison, with any prisoner or prisoners, whose names are inserted in the afore-mentioned list or lists, or *London Gazette*, or other news paper, or any of them, or any persons

Bankrupts not obtaining their certificates in due time, excluded from the benefit of this act.

Attornies embezzling, &c. clients money or effects, excluded the benefit of this act.

Gaoler to permit the speaking in private to prisoners, whose names are inserted in the list, or *Gazette*, &c.

and the examining the original books of entries, &c. on penalty of 40*l.* with costs of suit.

rendering themselves pursuant to this act; and also see, in the true and genuine books of the said prison, the entries made of the name or names of such prisoner or prisoners, together with the name or names of the person or persons at whose suit or suits he, she, or they are detained: and if any such gaoler or keeper shall neglect or refuse to comply with what is here above required, every such gaoler or keeper, who shall so offend in the premises, shall forfeit and pay to the person so refused and aggrieved, the sum of forty pounds; to be recovered, with costs of suit, by action of debt, bill, plaint, or information, in any of the courts of *Westminster*, wherein no *essoin*, protection, wager of law, or more than one imparlance, shall be allowed, by and in the name or names of the person or persons so refused and aggrieved.

Prisoners future estate and effects, notwithstanding his personal discharge, liable to creditors; wearing apparel, bedding, and working tools, &c. not exceeding 10*l.* value, excepted.

XXXIII. Provided always, and be it enacted, That notwithstanding the person of any prisoner or prisoners, fugitive or fugitives, shall be discharged under this act, the future estates and effects of every such prisoner and fugitive shall remain and be liable to his, her, and their respective creditors as before the making of this act, (his, her, or their necessary wearing apparel, and bedding for his, her, or their families, and working tools and implements necessary for his, her, or their trade or occupation, not exceeding the value of ten pounds in the whole, only excepted) and any creditor or creditors of any such prisoner or prisoners, fugitive or fugitives, may, at any time hereafter, sue out execution, extents, or other process, on any judgement at the time of such discharge recovered, or statute staple, or recognizance acknowledged by, or sentence or decree obtained against any such prisoner or fugitive, but not against his, her, or their person, or his, her, or their respective wearing apparel, bedding, working tools, and implements, as aforesaid.

Creditor may sue for the recovery of debt due at the time of the prisoner's discharge, but not hold the prisoner to special bail, nor take his person, wearing apparel, bedding, or tools, in judgement, and no advantage is to be taken of the cause of action not accruing within 3 years, nor of the

XXXIV. And be it also enacted, That any creditor or creditors of any prisoner or prisoners, fugitive or fugitives, who shall be discharged under this act, may, at any time after any such discharge, commence and prosecute any action or suit against any such prisoner or fugitive, his, her, or their respective heirs, executors, or administrators, for the recovery of any sum or sums of money which shall be due from any such prisoner or prisoners fugitive or fugitives, at the time of his or her said discharge, but shall not hold the person of any such prisoner or fugitive to special bail; nor shall take the person, necessary wearing apparel, bedding, tools, or implements, as aforesaid, of any such prisoner or fugitive in execution, or any judgement, sentence, or decree, which shall hereafter be recovered or obtained against any such prisoner or fugitive: and in any action or suit, which shall be hereafter commenced against any such prisoner or fugitive, his or her heirs, executors, or administrators, no benefit or advantage shall be had or taken, for that the cause of action did not accrue within three years next before the commencing of any such action or suit; nor shall any statute of limitation be pleadable, or be allowed to be pleaded in bar of or in any such action

action or suit, which shall be hereafter commenced by any such creditor or creditors, against any such prisoner or prisoners, unless such cause of action or suit did not accrue within three years next before any such prisoner or fugitive shall be discharged under this act; and in any such case, the same may be pleaded by any such prisoner his or her heirs, executors, or administrators.

statute of limitation.

Exception.

XXXV. Provided always, and be it likewise enacted, That by the discharge of any prisoner or fugitive by force of this act, no other person or persons who was or were partner or partners in trade with any such prisoner or fugitive, at the time of his or her discharge under this act, or then stood bound, engaged with or liable to, the payment of any debt with any such prisoner or fugitive, or engaged in any contract together with any such prisoner or fugitive, shall be discharged from any such debt or demand; but every such other person and persons shall severally stand and be chargeable with, and liable to pay, such debt and debts, and to perform such contracts, in like manner as if any such prisoner or fugitive had never been discharged from the same.

Discharge of prisoner no acquittal to the copartner or sureties.

XXXVI. And be it further enacted, That if any gaoler or keeper, or reputed gaoler or keeper, of any prison or prisons, shall make, or cause to be made, any false entries in any book or books belonging to any prison or gaol under his care, or of which he is or was gaoler, or shall prepare or keep, or cause to be prepared or kept, any false book or books, in order for any false or untrue entry or entries to be made therein; or shall insert in any list to be delivered in as aforesaid, the name or names of any person or persons who was not a prisoner or prisoners in actual custody in any such gaol or prison upon the said first day of January, one thousand seven hundred and sixty five, or shall not have ever since remained in such actual custody; except as in the oath of any such gaoler or keeper, or reputed gaoler or keeper, shall be excepted; every such gaoler or keeper, or reputed gaoler or keeper, shall over and above the penalties which he shall be liable to for every such fraud, forfeit and pay the sum of five hundred pounds, to be recovered, with treble costs of suit, by and in the name, and for the use, of any person or persons who shall be prejudiced by any entry, or such false entries; which penalties shall and may be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed.

Gaoler making false entries in the prison book, or lists, forfeits gaol, with treble costs,

over and above all other penalties for such fraud.

XXXVII. And be it further enacted, That if any prisoner, being thereunto required by any creditor, shall refuse to discover and declare the trade or occupation and habitation or last place of abode, of the person or persons at whose suit he or she is detained or charged in custody; or being called for and desired, by any creditor or creditors, to come to the lodge of the prison in which any such prisoner shall be confined, without some reasonable cause being made appear to the contrary; every such prisoner,

Prisoner refusing to declare the abode, &c. of the person at whose suit he is detained, or to come to the lodge of the creditor in the lodge

is excluded
the benefit of
this act.

upon proof being made thereof before the justices at any general or quarter session of the peace, or any adjournment thereof, to be held as aforesaid, shall not have or receive any benefit or discharge by or under this act; any thing herein contained to the contrary thereof in any wise notwithstanding.

Justices for
com^o York
and Lincoln
to meet at the
county gaols,
&c. for dis-
charge of pri-
soners.

XXXVIII. And whereas there is but one common or county goal for each of the respective counties of *York* and *Lincoln*, which said counties are each of them divided into several ridings or divisions, all which have several commissions of the peace; and if the goaler of those gaols be obliged to carry the debtors, prisoners therein, to the quarter session of each riding or division, the same will be a very great charge, not only to such gaolers, but also to the prisoners in those large counties; be it therefore enacted by the authority aforesaid, That it shall and may be lawful for two or more justices of the peace for each of the ridings and divisions in the respective counties, at the common or county gaol thereof respectively, or at some convenient place near thereto, and they are hereby required to assemble and meet, and to hold session there, by adjournment from their respective quarter session, from time to time, for the discharge of the respective prisoners therein, according to the powers, limitations, and directions of this act.

Those who
are prisoners
for their fees,
or other de-
mands of the
gaoler or of-
ficer to be dis-
charged.

XXXIX. And be it further enacted by the authority aforesaid, That all debtors, and others, who were in prison on or before the said first day of *January*, one thousand seven hundred and sixty five, or since, in any of the gaols of this kingdom, and now remain there for not paying their fees, rents, or any other demands, due, or claimed as due, to the keeper or gaoler of any prison respectively, or to any other officer of any such prison, and upon no other account, shall be discharged therefrom, he, she, or they, taking the oath by this act required to be taken by prisoners.

Debtors to the
crown, and
prisoners who
owe above
1000 l. to one
person, unless
the creditors
consent, are
excluded the
benefit of this
act.
Creditor op-
posing priso-
ner's discharge,
to allow him
3 s. 6 d. per
week.

XL. Provided always, That this act shall not extend to discharge any person out of prison, seeking his or her discharge under this act, with respect to any debt with which he or she shall stand charged at the suit of the crown, or shall be indebted to any body politick or corporate, or to any one person, in any sum exceeding the sum of one thousand pounds, besides interest and costs, unless such body politick or corporate, or creditor, shall consent thereto; and if any such body politick or corporate, creditor or creditors, to whom a sum exceeding one thousand pounds shall be owing, shall oppose the discharge of such prisoner, and shall insist that such prisoner be continued in gaol, that then, and in such case, such body politick or corporate, or creditor or creditors, opposing the said prisoner's discharge as aforesaid, shall, at his, her, or their proper costs and charges, allow and pay in the whole such a weekly maintenance to the said prisoner, not exceeding three shillings and six pence *per week*, in such manner as the said justices in their general or quarter session, or some adjournment thereof, shall order; and upon nonpayment of the same for the space of six weeks, the said pri-
soner,

On nonpay-
ment, prison-

soner, upon application to the said justices in their general or quarter session held as aforesaid, shall be discharged pursuant to the intent and meaning of this act.

XLII. Provided also that every person and persons intituled, or to be intituled, to the benefit of this act, shall obtain their respective discharges on or before the first day of *August*, one thousand seven hundred and sixty seven, or shall be excluded from all benefit of this act.

Discharges to be obtained by 1 August, 1767.

XLIII. And whereas it may happen, that several persons who may claim and be intituled to the benefit of this act, are seised of an estate tail, in some freehold or copyhold lands, tenements, or hereditaments; which entail, with the remainders thereupon expectant, they have by law power to defeat and bar, either by levying a fine or fines, suffering a common recovery or common recoveries, or by surrender or surrenders thereof, whereby such person or persons said freehold or copyhold lands, tenements, or hereditaments, would be liable to the payment of their debts, and be delivered up, according to the terms of this act, for the benefit of their creditors; be it therefore enacted by the authority aforesaid, That, in every such case, such person or persons so seised as aforesaid, and who shall be intituled to, and claim the benefit of this act, shall, to all intents and purposes whatsoever in law, be deemed and taken, and is and are hereby declared, to be seised of such lands, tenements, and hereditaments, in fee; provided the same shall be delivered up to the creditor or creditors of every such prisoner, in the same manner as if such person or persons had actually levied a fine, suffered a common recovery or recoveries, or made a surrender or surrenders thereof, and thereby had become seised in fee; any law, or construction of law, to the contrary thereof in any wise notwithstanding.

Persons seised of an estate tail, claiming the benefit of this act, are to deliver up the same to the creditors.

XLIII. And whereas many prisoners who may be intituled to, and claim the benefit of this act, have been great dealers, or otherwise engaged in large transactions, whereby they may be intituled to sundry and great debts, and demands of various and intricate natures, and they may be intituled to equities of redemption of estates, subject and liable to mortgages, judgments, or other incumbrances, or to reversions, remainders, or other contingent estates in lands, tenements, or hereditaments, or to other trusts or interests in estates, both real and personal, which may not be sufficiently described or discovered in the schedule or inventory before directed to be delivered in, upon oath, by the prisoner to be discharged as aforesaid, or which may want his aid or assistance to adjust, make out, recover, or manage, for the benefit of the creditors; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for the respective assignees of the estate and effects of such prisoner or prisoners who shall obtain his, her, or their discharge, in pursuance of this act, or any other person or persons duly authorized by them for that purpose, from time to time, to apply to any two or more of the justices of the peace

Assignees may apply for further examination of prisoner, touching the discovery of his effects, &c.

and justices may send for and examine the prisoner accordingly,

Prisoner refusing to appear, or to answer upon oath, may be committed.

for the county, riding, division, city, town, place, or liberty, where such prisoner or prisoners shall be then residing, thereby desiring, that such prisoner or prisoners may be further examined as to any matters or things relating to his, her, or their estate or effects; whereupon such justices shall send for, or call before them, such prisoner or prisoners by such warrant, summons, ways or means, as they shall think fit; and upon such prisoner's appearing, shall examine him, her, or them, as well upon oath as otherwise, as to such matters and things as such assignee shall desire, relating to the estate or effects of such prisoner or prisoners; and if any prisoner or prisoners (on payment or tender of payment of such reasonable charges as such justices shall judge sufficient) shall neglect or refuse to come and appear, not having a lawful excuse, to be made known to such justices, and by them allowed, or, being come before them, shall refuse to be sworn, or to answer to all such questions as by such justices shall be put to him, her, or them, relating to the discovery of his, her, or their estate or effects so vested, or intended to be vested, in such clerk of the peace, or in such assignees, as aforesaid, that then it shall and may be lawful to and for such justices, by warrant under their hands and seals, to apprehend such prisoner or prisoners so offending as aforesaid, and him, her, or them, to commit to the county gaol, there to remain without bail or mainprize, until such time as he, she, or they, shall submit him, her, or themselves, to such justices, and answer upon oath to all such lawful questions as shall by such justices be put to him, her, or them, for the purposes aforesaid.

sol. per cent. allowed on discovering within 12 months, any part of the prisoner's estate not returned in the schedule.

XLIV. And be it further enacted by the authority aforesaid, That all and every such person and persons who shall, within twelve months after the discharge of such prisoner or prisoners, voluntarily come in and make a discovery of any part of such debtor or debtors real or personal estate as shall not be comprized in such schedule as aforesaid, before any justices aforesaid, shall be allowed after the rate of twenty pounds *per centum*, out of the neat produce of such debtor or debtors estate, which will be recovered on such discovery, and which shall be paid such person or persons so discovering the same, by the assignee or assignees of such prisoner's estate and effects.

Discharge obtained fraudulently, void.

XLV. Provided always, and be it enacted, That notwithstanding the discharge of any prisoner or prisoners by virtue of this act, if it shall hereafter appear the same was obtained fraudulently, or that any part of the oath taken by any such prisoner was not true; then, and in every such case, every such discharge shall be void and of none effect.

Persons concealing any estate or effects of the prisoner, forfeit roof. and double value,

XLVI. And, for the better discovery of the estate and effects of any prisoner who shall be discharged by virtue of this act, be it enacted by the authority aforesaid, That any person or persons who shall have accepted of any trust or trusts, and shall wilfully conceal or protect any estate, real or personal, of any such prisoner from his creditors, and shall not, within thirty days after

after any assignee or assignees shall, in pursuance of this act, be chose of any such prisoner's estate, discover and disclose to such assignee or assignees such trust and estate in writing, and deliver up or make over the same to such assignee or assignees, he, she, or they, so offending, shall, for every such offence, forfeit the sum of one hundred pounds, and also double the value of the estate, either real or personal, so concealed, to and for the use of the creditors of any such prisoner; to be recovered by action of debt, in any of his Majesty's courts of record at *Westminster*, in the name or names of the assignee or assignees of such prisoner's estate, together with treble costs of suit.

XLVII. And be it further enacted by the authority aforesaid, That it shall be lawful at all times hereafter, for any assignee or assignees of the estate or effects of any prisoner or prisoners, who shall be chose in pursuance of this act, by and with the consent of the major part in value of such prisoner or prisoners creditors, who shall be present at a meeting to be had on twenty one days publick notice being previously given for the purpose hereafter mentioned in the *London Gazette*, if the prisoner was in custody in *London*, or within the weekly bills of mortality, and if not, then also in some news paper which shall be published in the county, city, or place, in or near which any such person shall have been in gaol, to make composition with any person or persons, debtors or accountants to such prisoner or prisoners, where the same shall appear necessary or reasonable; and to take such reasonable part of any such debt as can, upon such composition, be gotten, in full discharge of such debts and accounts; and also to submit any difference or dispute between such assignee or assignees, and any person or persons, for or on account, or by reason or means of any matter, cause, or thing, relating to such prisoner or prisoners estate or effects, or to any debt or debts due, or claimed to be due, to or from such prisoner or prisoners, to the final end and determination of arbitrators to be chosen by the said assignee or assignees, and the major part in value of such creditors, and the party or parties with whom they shall have no difference, and to perform the award of such arbitrators, or of any umpire to be chosen by them; or otherwise to settle and agree the matters in difference and dispute between them, in such manner as the said assignee or assignees, with such consent as aforesaid, shall think fit, and can agree, and the same shall be binding to all the creditors of such prisoner or prisoners; and every such assignee or assignees is and are hereby indemnified for what they shall fairly do in the premises in pursuance of this act.

XLVIII. And, to the intent and purpose that the estate and effects of such prisoner or prisoners as shall be discharged by virtue of this act, may be truly and faithfully applied for the benefit of his, her, or their real creditors, be it enacted by the authority aforesaid, That it shall and may be lawful to and for the respective courts at *Westminster*, and the courts of great session in *Wales*, and the principality of *Chester*, and the counties palatine

with treble costs of suit.

Assignees with consent of the majority in value of the creditors, may compound for debts due to the prisoner's estate;

and may submit any dispute relating thereto to arbitration;

or otherwise may settle and agree the same as they shall think fit.

Assignees may be petitioned against, for insufficiency, fraud, mismanagement, or other misbehaviour;

the court
thereupon is
to summon
the parties,
and make such
orders therein
as they shall
think fit.

Where mu-
tual credit
has been giv-
en, the ba-
lance to be
stated and al-
lowed.

Those who are
prisoners up-
on process out
of courts of
conscience to
have the be-
nefit of this
act.

Quakers af-
firmation to

of *Lancaster* and *Durham*, respectively, from whence any process issued upon which any such prisoner or prisoners was or were committed, or where the process issued out of any other court, to and for the judges of the court of *King's Bench*, *Common Pleas*, and *Exchequer*, or of great sessions aforesaid, within their respective jurisdictions, or any one of them, from time to time, upon the petition of any such prisoner, or the creditor or creditors of such prisoner or prisoners, complaining of any insufficiency, fraud, mismanagement, or other misbehaviour of any assignee or assignees of the estate or effects of any such prisoner or prisoners, to summon all parties concerned, and upon hearing the parties concerned therein, to make and give such orders and directions therein, either for the removal or displacing such assignee or assignees, and the appointing any new assignee or assignees in the place or stead of such assignee or assignees so to be removed or displaced, or for the prudent, just, or equitable management or distribution of the estate and effects of any such prisoner for the benefit of the respective creditors, as the said courts or judges respectively shall think fit; and in case of the removal or displacing of any assignee or assignees, and the appointing of any new assignee or assignees, the estate or effects of such prisoner or prisoners shall, from thenceforth, be divested out of the assignee or assignees so removed or displaced, and be vested in, and delivered over to, such new assignee or assignees, in the same manner, and for the same intents and purposes, as the same were before vested in the assignee or assignees first chose as aforesaid; any thing in this act contained to the contrary notwithstanding.

XLIX. Provided always, and be it enacted by the authority aforesaid, That in all cases where mutual credit hath been given between any prisoner or prisoners who shall be discharged in pursuance of this act, and any other person or persons, or body politick or corporate, before the delivery of such schedule or inventory of the estate and effects of such prisoner or prisoners, upon oath, as aforesaid, the respective assignee and assignees of such prisoner or prisoners is and are hereby authorized and required, on his and their parts, to state and allow an account between them and the other party or parties concerned; and nothing more shall be deemed to be vested in such clerk of the peace, or such assignee or assignees under such clerk of the peace, as the estate or effects of such prisoner or prisoners, than what shall appear to be justly due to him, her, or them respectively, as and for the balance of such account when truly stated.

L. And whereas great numbers of poor people have been, and are now, imprisoned for debt upon processes issuing out of courts of conscience; it is hereby enacted and declared, That all such prisoners shall be intitled to have the benefit of this act, and be discharged under the same, provided he, she, or they, conform to the directions herein before prescribed, touching other prisoners who shall be discharged by virtue of this act.

LI. And be it further enacted by the authority aforesaid, That in all cases wherein by this act an oath is required, the so-
lemn

lemn affirmation of any person being a *Quaker*, shall and may be accepted and taken in lieu thereof; and every person making such affirmation, who shall be convicted of wilful and false affirming, shall incur and suffer such and the same penalties as are inflicted and imposed by this act upon persons convicted of wilful and corrupt perjury.

LII. Provided always, and be it further enacted by the authority aforesaid, That no person who took the benefit of an act passed in the first year of the reign of his present majesty King George the Third, intituled, *An act for relief of insolvent debtors*, shall have or receive any benefit or advantage of or under this act, nor be deemed to be within the intent and meaning thereof, so as to be discharged under the same; any thing herein before contained to the contrary notwithstanding.

LIII. Provided also, and it is hereby enacted, That nothing in this act contained shall extend to that part of *Great Britain*, called *Scotland*.

C A P. XLII.

An act for redeeming one fourth part of the joint stock of annuities established by an act made in the third year of his present Majesty's reign, in respect of several navy, victualling, and transport bills, and ordnance debentures.

Most gracious Sovereign,

WHEREAS by an act of parliament made in the third year of your Majesty's reign, intituled, *An act for granting annuities to satisfy certain navy, victualling, and transport bills, and ordnance debentures; and for charging the payment of such annuities on the sinking fund; and making good the same to the said fund, in manner therein mentioned; it was provided and directed, That all and every person and persons, bodies politick or corporate, who should, within the time therein limited, deliver in certain navy, victualling, and transport bills, and ordnance debentures, to be cancelled in manner thereby directed, should, for the principal sum or sums contained therein, and also for the interest marked upon such of the said bills as bore an interest, be respectively intituled to, and have an annuity after the rate of four pounds per centum per annum, to commence from the twenty fifth day of March, one thousand seven hundred and sixty three, and to be payable half yearly, at the bank of England, to such person or persons, bodies politick or corporate, or such as he, she, or they, should appoint his, her, or their executors, administrators, successors, or assigns, until redemption thereof by parliament, in manner therein mentioned: and that all such monies should be deemed to be one capital or joint stock, on which the said annuities should be attending: and whereas the several principal monies contained in the bills and debentures delivered in and cancelled, together with such interest as aforesaid, which were converted into a capital or joint stock in pursuance of the said act, amount to the sum of three millions four hundred eighty three thousand five hundred fifty three pounds, one shilling, and ten pence: and whereas your Majesty's most dutiful*

be taken in
lieu of an
oath.

Persons who
took the be-
nefit of the
act of 1 Geo.
3. excluded.

This act not
to extend to
Scotland.

Preamble, re-
citing clauses
in act 3 Geo.

Notices given of the intention of parliament to redeem one fourth part of the joint stock of annuities established by the recited act, deemed good and sufficient.

and 870,888 l. 5 s. 5 d. 2 q. out of the supplies granted for the service of the current year,

to be paid, for that purpose, into the bank:

and to be issued accordingly at the exchequer, upon an order from the treasury,

out of the monies of the sinking fund:

dutiful and loyal subjects, the commons of *Great Britain* in parliament assembled, have resolved, that one fourth part of the said capital stock be redeemed and paid off on the twenty fifth day of *December*, one thousand seven hundred and sixty five; and several publick notices have been given of the said resolution by the speaker of the house of commons, pursuant to the order of that house; and therefore your faithful commons do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That such notices as aforesaid shall be, and be deemed, adjudged, and taken to be, good and sufficient notice or notices, within the true intent and meaning of the said act, for the redemption of one fourth part of the said capital or joint stock, and of the annuities attending on such part; and the same shall be redeemable and redeemed accordingly.

II. And be it further enacted by the authority aforesaid, That on or before the twenty fifth day of *December*, one thousand seven hundred and sixty five, there shall and may be issued and paid to the governor and company of the bank of *England*, the sum of eight hundred and seventy thousand eight hundred eighty eight pounds, five shillings, and five pence half-penny, out of all or any the aids or supplies granted in this session of parliament (except any particular aid or supply which hath been or shall be, in the same session, specially and intirely appropriated to any one particular use or purpose) which sum shall be applied, by the said governor and company in payment of the like sum of eight hundred and seventy thousand eight hundred eighty eight pounds, five shillings, and five pence half-penny, for the redemption and full satisfaction of one fourth part of the said capital or joint stock.

III. And be it further enacted by the authority aforesaid, That on or before the said twenty fifth day of *December*, one thousand seven hundred and sixty five, there shall and may, by order of the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, without any further or other warrant to be sued for, had, or obtained, in that behalf, be issued and paid at the receipt of his Majesty's exchequer to the governor and company of the bank of *England*, by way of imprest and upon account, out of the surplusses, excesses, or overplus monies, commonly called *The Sinking Fund* (upon which the said annuities were charged by the said act made in the third year of his present Majesty's reign) such sum of money as shall be necessary for the discharge of the annuities attending such one fourth part of the said joint stock, from the twenty ninth day of *September* one thousand seven hundred and sixty five, to the twenty fifth day of *December* following, inclusive; which sum shall be applied, by the said governor and company, in discharge of such annuities accordingly, at the same time that the respective principal monies, composing such one

one fourth part, shall be paid and satisfied; and that all such annuities, in respect of such one fourth part, shall cease and be extinguished from the twenty fifth day of *December*, one thousand seven hundred and sixty five.

IV. And be it further enacted by the authority aforesaid, That the sums of money which shall be issued and applied, by virtue of this act, out of the said surplusses, excesses, or overplus monies, for payment of the said annuities, shall be made good and replaced by and out of the supplies to be granted in the next session of parliament.

V. Provided always, and be it further enacted by the authority aforesaid, That if all or any part of the principal monies, composing such part of the said capital or joint stock hereby intended to be redeemed, shall be paid and satisfied at the bank of *England*, before the twenty fifth day of *December* one thousand seven hundred and sixty five, the said governor and company shall, notwithstanding the same, pay, and they are hereby impowered to pay, in respect of the principal monies so discharged, the full sums which the annuities attending the same would have amounted to, on the twenty fifth day of *December* one thousand seven hundred and sixty five; any thing herein or in any other act contained to the contrary notwithstanding.

VI. Provided also, and be it further enacted by the authority aforesaid, That the said governor and company, or any member thereof, shall not incur any disability for or by reason of his or their doing any matter or thing in pursuance of this act.

VII. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time or times be sued, molested, or prosecuted, for any thing by him or them done or executed in pursuance of this act, or of any matter or thing therein contained, such person or persons shall and may plead the general issue, and give the special matter in evidence for his and their defence; and if a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his or their action, or be nonsuited, or judgement shall be given against him or them, upon demurrer or otherwise, then such defendant or defendants shall have treble costs to him or them awarded against such plaintiff or plaintiffs.

CAP. XLIII.

An act for the better securing, and further improvement, of the revenues of customs, excise, inland and salt duties; and for encouraging the linen manufacture of the Isle of Man; and for allowing the importation of several goods the produce and manufacture of the said island, under certain restrictions and regulations.

Most gracious Sovereign,

YOUR Majesty having been most graciously pleased, at the opening of this session of parliament, to recommend from the throne

Preamble.

to your faithful commons the continuance of that attention which hath hitherto been shewn to the improvement of the publick revenue, we have thought it our duty to apply ourselves with the utmost zeal and assiduity to carry into execution every proper measure for the attainment of that end; and though we have already prepared several bills for that purpose, which have received your royal approbation, we are desirous to establish still further regulations, which, by a more exact and equal collection of the publick revenue, and without laying any new burthens on your people, may tend to the accomplishment of so great and salutary a design: and whereas by an act passed in the fourteenth year of the reign of his late majesty King Charles the Second (intituled,

Act 14 Car. 2. An act for preventing frauds, and regulating abuses, in his Majesty's customs) it is, amongst other things, enacted, That the person or persons which were or should be appointed for managing the customs, and officers of his Majesty's customs, and their deputies, should be thereby authorized and enabled to go and enter aboard any ship or vessel, as well ships of war as merchant ships, from thence to bring on shore all goods prohibited or uncustomed, except jewels, if they be outwards bound; and if they be ships or vessels inwards bound, from thence to bring on shore into his Majesty's storehouse, all small parcels of fine goods, or other goods, which should be found in cabins, chests, trunks, or other small package, or in any private or secret place in or out of the hold of the ship or vessel, which might occasion a just suspicion that they were intended fraudulently to be conveyed away; and all other sorts of goods whatsoever, for which the duties of tonnage and poundage were not paid or compounded for within twenty days after the first entry of the ship, to be put and remain in the storehouse aforesaid, until his Majesty's duties thereupon be paid; unless the said person or persons which were or should be appointed by his Majesty for managing the customs, and officers of the customs, should see just cause to allow a longer time, as in and by the said recited act more at large appears: and whereas in the chests, trunks, bales, casks, and other package, which contained goods so sent and carried to his Majesty's storehouse by the officers of the customs in pursuance of the said act, and likewise in packages which are brought on shore by virtue of a special sufferance or order from the commissioners or principal officers of the customs, to be examined before entry and payment of duties, at the request and application of the owners thereof; and also in and amongst such goods themselves, there are often found concealed and enclosed lace and other fine goods and merchandizes, which lie in little compass, and of which no entries are often intended to be made, or duties paid for, by the owners or proprietors thereof, or their agents, unless and until the same are discovered by the officers of his Majesty's customs; by which fraudulent concealments the revenue thereof is greatly defrauded: may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of June, one thousand seven hundred and sixty five, all goods, wares, and merchandizes whatsoever, which shall be found en-

Unentered
goods found
concealed in
any package,
or merchan-
dize sent to
the King's
storehouses,

closed and concealed as aforesaid, in any chest, trunk, bale, cask, or other package, or in or amongst any of the goods, wares, or merchandizes contained therein, at any time after the same shall have been carried or sent to his Majesty's storehouse by any officer or officers of his Majesty's customs in pursuance of the said act, and which shall not have been, within the space of twenty days after the first entry of the ship in which they were imported, duly entered, and his Majesty's customs, and other duties, for them, paid or secured; or which shall be found concealed as aforesaid in any chest, trunk, bale, cask, or other package, or inclosed in or amongst any of the goods therein contained, which shall be brought on shore by special sufferance, or order from the commissioners or principal officers of the customs, at the request and application of the proprietor, or his agent, and shall not be particularly specified and described in such application, the same shall, in every such case, be forfeited and lost, and shall and may be seized and prosecuted by any officer or officers of his Majesty's customs; one moiety of which forfeitures shall be to the use of his Majesty, his heirs, and successors, and the other moiety shall be to the use of such person and persons as shall seize, inform, or sue for the same, after deducting the charges of condemnation and sale from the gross produce thereof; and such seizures and forfeitures shall and may be prosecuted, tried, and determined, in any of his Majesty's courts of record at *Westminster*, or in the court of *Exchequer* at *Edinburgh* respectively; wherein no essoin, protection, wager of law, or more than one imparlance, shall be allowed.

or in any package, or goods brought on shore by special sufferance, or order, and not specified therein,

are liable to seizure and forfeiture.

II. And whereas it does frequently happen, that goods and merchandizes imported, paying duty *ad valorem*, do, upon view and examination by the proper officers of the customs, appear not to have been valued, by the oath or affirmation of the importer, according to the true value and price thereof; and notwithstanding demand is made in writing by the customer or collector and comptroller of the port where such goods are entered, for delivery of the same into his Majesty's warehouse at the port of importation, for the use and benefit of the crown, agreeable to the directions of an act of parliament made in the eleventh year of the reign of his late majesty King George the First, (intituled, *An act for rating such unrated goods and merchandizes as are usually imported into this kingdom, and pay duty ad valorem, upon the oath of the importer; and for ascertaining the value of all goods and merchandizes not inserted in the former or present book of rates; and for repealing certain duties upon drugs and rags; and for continuing the duties upon apples; and for ascertaining the method of ad-measuring pictures imported*) yet the importers or proprietors of such goods or merchandizes do sometimes neglect or refuse to deliver the same, or to cause the same to be delivered, into his Majesty's warehouse; by which means the said recited act is rendered ineffectual to answer the purposes thereby intended; the officers of the customs not being thereby empowered to carry such goods or merchandizes to his Majesty's warehouse, although

Act 11 Geo. 1.

Whereas any goods or merchandize paying duty *ad valorem*, appear to be under rated by the importer or proprietor; the officer may carry them to the King's warehouses, for the use of the crown; and the collector of the port is thereupon to pay the proprietor, &c. the value sworn to, with the addition of 10l. per cent. and the duties paid;

the goods to be afterwards sold publicly, and the money advanced to be replaced;

and after all charges deducted, one moiety of the surplus to go to the officers concerned,

and the other moiety to the sinking fund.

Although the importers or proprietors thereof shall neglect or refuse so to do; now, to remedy this inconvenience for the future, and for an encouragement to the officers of the customs to be diligent in the execution of their duty, be it enacted, That from and after the first day of *June*, one thousand seven hundred and sixty five, upon the importation of any goods or merchandizes, paying duty *ad valorem*, where, upon view and examination thereof by the proper officers of the customs, it shall appear to them that such goods and merchandizes are not valued, by the oath or affirmation of the importer or proprietor, according to the true price or value thereof, according to the true intent and meaning of the said recited act, or any other act or acts of parliament, it shall and may be lawful for the said officers of the customs to take and detain such goods and merchandizes, and to cause the same to be carried and conveyed into his Majesty's warehouse, at the port of importation, for the use and benefit of the crown; and the collector of the customs for such port, with the privity of the comptroller, shall, out of any money in his hands, arising by customs, or other duties belonging to the crown, pay to the importer or proprietor of such goods and merchandizes, upon demand, the value of such goods and merchandizes so sworn to or affirmed, together with an addition of ten pounds *per centum* thereon; and also the customs and other duties which shall have been paid for such goods and merchandizes, taking a receipt for the same from such importer or proprietor, in full satisfaction for the said goods and merchandizes, as if they had been regularly sold; and it shall and may be lawful to and for the commissioners of the customs for the time being (whether the value of the goods sworn to, or affirmed, together with the ten pounds *per centum* thereon, and the duties which shall have been paid for such goods, be demanded or not, or whether the receipt herein directed to be taken be given or not) to cause the said goods to be fairly and publicly sold, as soon as may be, for the best advantage; and out of the produce thereof, the money, herein before directed to be paid or advanced for such goods, shall be paid to such collector, to be by him replaced to such funds from whence he borrowed the same, provided the same shall have been by him so paid or advanced; but if it has not, then the same shall remain in the hands of the said collector, until the importer or proprietor shall demand the same, and give a receipt (which is herein before directed to be taken for the same;) and after deducting from the overplus (if any) the charges arising by the warehousing and sale of such goods and merchandizes, the said commissioners of the customs shall and may order the several and respective officers of the customs, concerned in the view and examination of such goods and merchandizes, to be paid, as an encouragement for the faithful discharge of their duty thereon, one moiety of the remainder of such overplus (if any) and the other moiety thereof shall be paid into his Majesty's exchequer towards the sinking fund; any thing in the here-

in before recited act contained, or any other law, custom, or usage, to the contrary notwithstanding.

III. And whereas by an act passed in the twelfth year of the reign of his late majesty King George the First, (intituled, *An act for the improvement of his Majesty's revenues of customs, excise, and inland duties*) the commissioners of his Majesty's customs are impowered to cause such wines as any merchant, or other person, shall refuse to pay or secure the duties for, as being damaged, corrupt, or unmerchable, to be publickly sold, in order to be distilled into brandy, or to be made into vinegar, taking sufficient security to his Majesty's use, that such wines be not made use of for any other purpose whatsoever: and whereas it hath been found by experience, that the security by that act directed hath not been sufficient to answer the intent thereof, unless some proper ingredient, such as salt or vinegar, has been put into such wine before it has been delivered out of his Majesty's warehouse; and a doubt having lately arisen, whether the officers of his Majesty's customs are legally authorized to put any salt or vinegar into such wine without the consent of the proprietor or purchaser thereof: to obviate which doubt for the future, and more effectually to prevent such wines from being fraudulently used in this kingdom; be it further enacted by the authority aforesaid, That from and after the first day of June, one thousand seven hundred and sixty five, before the delivery of any refused wines, which shall be sold in pursuance of the direction of the said recited act, it shall and may be lawful for the commissioners, or other principal officers of his Majesty's customs, to cause so much salt or vinegar to be put therein, as they shall judge sufficient and proper to prevent the said wines from being made use of for any other purpose whatsoever, than being distilled into brandy, or made into vinegar, besides taking the security in the manner directed by the said recited act.

Clause in act
12 Geo. 1.

A sufficient quantity of salt or vinegar to be put into all damaged refused wines, sold in pursuance of the recited act, before delivery thereof out of the King's warehouses.

IV. And whereas by an act of parliament made in the twelfth year of the reign of his late majesty King George the First, intituled, *An act for the improvement of his Majesty's revenues of customs, excise, and inland duties*, it is enacted, That all tobacco stalks, or stems stript from the leaf, shall be prohibited to be imported; and, on seizure and condemnation thereof, the commissioners of his Majesty's customs shall and may cause the same to be publickly burnt, and shall and may allow the officer, for his encouragement in making the seizure, one penny for every pound weight of such stalks or stems, so seized and condemned, clear of all charges of condemnation: and forasmuch as no forfeitures are inflicted by the said recited act of the vessels or boats, or the horses and other cattle or carriages made use of in the landing or removing of the aforesaid goods, nor any penalties upon the persons who are concerned or assisting in the unshipping thereof, or to whose hands they shall come after the unshipping thereof, by reason whereof the aforesaid act made in the twelfth year of the reign of his late majesty King George the First, has hitherto proved insufficient for preventing the im-

Clause in act
12 Geo. 1.

por-

Tobacco stalks or stems stripped from the leaf, are not only liable to forfeiture on importation, &c. in pursuance of the recited act;

but the persons assisting in unshipping the same, or into whose hands the same shall afterwards knowingly come, forfeit treble the value; and the vessels, boats, carriages, and cattle, employed there-in, are forfeited also.

Capias to issue upon information against the party,

and bail to be given there-upon for appearance;

and at the return of the writ, security to be given to pay the penalties in case of conviction.

Vessels, cattle, and carriages, forfeited by this act, or by 24 Geo. 2. for frauds relating to the fraudulent removing of tobacco,

portation of the said goods, to the great detriment of the revenue and fair traders: for remedy whereof, be it enacted by the authority aforesaid, That if any tobacco stalks or stems stripped from the leaf, shall at any time after the first day of *June*, one thousand seven hundred and sixty five, be imported into any part of *Great Britain*, then not only the said goods shall be forfeited and lost, and on seizure and condemnation thereof be publickly burnt, and the officer allowed one penny *per pound* weight for his encouragement in making the seizure, agreeable to the form and effect of the before recited act of parliament passed in the twelfth year of the reign of his said late majesty King *George* the First; but also all and every person and persons who shall be assisting or otherwise concerned in the unshipping the said goods, or to whose hands the same shall knowingly come after the unshipping thereof, shall forfeit treble the value thereof, together with the vessels and boats made use of in the landing, removing, carriage, or conveyance of the said goods, and also the bags, casks, or other vessels or things in which the said goods are packed or contained, and the horses, cattle, carts, and other carriages made use of in the loading, carrying, landing, or removing, the said goods; one moiety of all which forfeitures and penalties shall be to the use of his Majesty, his heirs and successors, and the other moiety to such officer or officers of his Majesty's customs, as shall seize, inform, or sue for the same, to be recovered by bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer at *Edinburgh* respectively, wherein no *essoin*, protection or wager of law, shall be allowed.

V. And be it further enacted by the authority aforesaid, That a *Capias* in the first process shall and may issue upon any bill, plaint, or information, commenced, filed, or prosecuted, against any person or persons, for, upon, or by reason of any the offences before-mentioned, which *Capias* shall specify the sum of the penalty sued for; and such offender or offenders shall be obliged to give sufficient bail or security by natural born subjects, or denizens, to the person or persons to whom such *Capias* shall be directed, to appear in the court out of which such *Capias* shall issue, at the day of the return of such writ, to answer such suit or prosecution; and shall likewise at the time of such appearing, give sufficient bail or security by such persons as aforesaid, in the said court, to answer and pay all the forfeitures and penalties incurred for such offence and offences, in case he, she, or they, shall be convicted thereof, or to yield his, her, or their, body or bodies to prison.

VI. Provided always, and it is hereby further enacted by the authority aforesaid, That all vessels and boats, and all horses and other cattle, and carriages whatsoever, which from and after the said first day of *June*, one thousand seven hundred and sixty five, shall be seized as forfeited by virtue of this act; or for removing any tobacco, tobacco stalks, or snuffs, contrary to an act passed in the twenty fourth year of the reign of his late majesty

jeſty King George the Second (intituled, *An act for the more effectual ſecuring the duties upon tobacco*) ſhall and may be prosecuted, adjudged, tried, and determined, by and before two or more of his Maſteſty's juſtices of the peace, reſiding near to the place where ſuch ſeizure ſhall be made, in ſuch manner and form, and by ſuch rules, as are directed and preſcribed in an act paſſed in the eighth year of the reign of his late maſteſty King George the Firſt (intituled, *An act to prevent the clandestine running of goods, and the danger of infection thereby; and to prevent ſhips breaking their quarantine; and to ſubject copper ore of the production of the Britiſh plantations, to ſuch regulations as other enumerated commodities of the like production are ſubject*) with reſpect to veſſels, horſes and carriages, which are forfeited by that act of parliament, for the removing, carriage or conveyance of the goods therein mentioned.

to be prosecuted as is preſcribed in act 8 Geo. 1. with reſpect to forfeitures therein mentioned.

VII. And whereas there are ſeveral ſpecies of linen now manufactured in *Ruſſia* imported into this kingdom, which are not rated either in the book of rates referred to by the act of tonnage and poundage made in the twelfth year of the reign of King Charles the Second, or in the additional book of rates referred to by the act of the eleventh year of the reign of his late maſteſty King George the Firſt, or by any other act or acts of parliament, the duties upon which goods are now payable according to the value ſworn to or affirmed, by the importers, which, by experience, has been found to be very unequal, from the various values fixed by the importers on the ſame ſpecies of goods, ſome perſons greatly undervaluing the ſame, to the detriment of the revenue, and the diſcouragement of the fair traders: now for remedy thereof, and to put the trade upon a more equal foot, be it enacted by the authority aforeſaid, That from and after the firſt day of June, one thouſand ſeven hundred and ſixty five, the duties now payable upon the importation of unrated linen cloth, of the manufacture of *Ruſſia*, ſhall ceaſe, determine, and ceaſe; be no longer paid or payable; and that all the provisions and clauses contained in any former act or acts of parliament, ſo far as the ſame relate to the aſcertaining the value of ſuch unrated linens, according to the oaths or affirmations of the importers, ſhall be, and are hereby repealed and made void.

The duties now payable on unrated *Ruſſia* linens imported, to

VIII. And it is hereby further enacted by the authority aforeſaid, That in lieu of the ſaid duties repealed by this act, from and after the firſt day of June, one thouſand ſeven hundred and ſixty five, all linen cloth or diaper of *Ruſſia*, not otherwiſe rated, which ſhall be imported into any port or place within *Great Britain*, ſhall, upon the importation thereof, be rated to pay the old ſubſidy granted by the act of tonnage and poundage, made in the twelfth year of the reign of King Charles the Second, according to the ſeveral rates and values hereafter mentioned; that is to ſay,

and the old ſubſidy, granted by act 12 Car. 2. to be paid in lieu thereof,

according to the rates hereafter mentioned.

All linen cloth and diaper of *Ruſſia*, not otherwiſe rated, exceeding thirty one inches and one half of an inch in breadth,
VOL. XXVI. D d and The rates.

and not exceeding forty five inches in breadth, for every one hundred and twenty *English* ells, six pounds.

And all linen cloth and diaper of *Russia*, not otherwise rated, exceeding forty five inches in breadth, for every one hundred and twenty *English* ells, ten pounds; and in that proportion for any greater or less quantity of any of the said goods.

Where any of the said goods are liable to any additional subsidy or duty,

the same is to be paid according to the above rates.

These duties to be levied, paid, and applied, as mentioned in the several acts granting or continuing the same.

IX. And be it further enacted by the authority aforesaid, That in all cases where any of the said goods are by law subject or liable to the payment of the further subsidy, the one third subsidy, the additional impost on any other subsidy or duty whatsoever, according to the respective value set thereon for the old subsidy, or in proportion thereto, the same shall, from and after the said first day of *June*, one thousand seven hundred and sixty five, be paid proportionably according to the particular rates and values herein before set thereon for the old subsidy aforesaid, and not according to the oath or affirmation of the importer, or any other rate or value whatsoever; any thing in the respective acts which granted the said duties, or any other act to the contrary notwithstanding.

X. And be it further enacted by the authority aforesaid, That the several subsidies, impositions and duties, upon the said several sorts of goods, shall be raised, levied, collected, paid, and applied, in such manner and form, and by such ways and means, and under such penalties and forfeitures, and with such discounts, allowances, and drawbacks, as are mentioned and expressed in the several acts of parliament, which granted, or continued, and appropriated, the same respectively; and all powers, penalties, provisions, articles, and clauses therein contained, (except in such cases where any alteration is made by this act) shall continue in full force and effect, during the continuance of the said respective subsidies, impositions, and other duties; and shall be applied, practised and executed, for the raising, levying, collecting, answering, paying and appropriating the said respective subsidies, impositions, and other duties, according to the true intent and meaning of this present act, as fully and effectually to all intents and purposes, as if the said clauses, matters and things, had been repeated and enacted in the body of this present act; any law, or other usage, or custom, to the contrary notwithstanding.

XI. And whereas it may contribute to prevent any illicit trade being carried on by the inhabitants of the *Isle of Man*, to the prejudice of the trade and revenues of his Majesty's dominions, if the said inhabitants are encouraged in the honest and lawful occupation of cultivating and improving the lands of the said island, and of manufacturing the produce thereof, by allowing them to import the same into *Great Britain*, without payment of duties, under certain limitations and restrictions; for which purpose be it enacted by the authority aforesaid, That from and after the first day of *July*, one thousand seven hundred and sixty five, the inhabitants of the said *Isle of Man*, shall and may

Bestials, and other goods, the growth and manufac-

import directly from thence into any lawful port of *Great Britain*, bestials, or any goods, wares, and merchandizes, of the growth, produce, and manufacture of the said *Isle of Man*, except such as by any act of this session of parliament are prohibited to be imported into this kingdom; and also (except woollen manufactures, beer and ale) without paying any customs, subsidies or duties, for or in respect thereof (except such excise or other duty as is now, or shall hereafter for the time being, be due and payable for the like goods, wares and merchandizes, of the growth, produce, and manufacture of *Great Britain*) provided the master, or other person having the charge of the ship or vessel, so importing the same, shall bring with him a certificate or certificates from the governor, lieutenant governor, commander in chief, or chief magistrates for the time being, that oath has been made before him or them in the presence of the officer of the customs for the port or place where such bestials or goods shall be put on board, that the same are the growth, produce, or manufacture of the said *Isle of Man*; which certificate or certificates shall also be attested by the said officer of the customs, and shall express the number and tale of such bestials, with the marks and weight of the species of goods in each bale or parcel mentioned in the bill or bills of lading, with the name or names, place or places of abode of the exporter or exporters from the *Isle of Man*, and the name or names, place or places of abode, of such person or persons as shall have sworn the bestials or goods therein mentioned to be of the growth, produce and manufacture of the said *Isle of Man*, and where and to whom consigned in *Great Britain*; and the master or person taking charge of the ship or vessel importing the same, shall also make oath before the collector or principal officer of the customs of the port or place of importation in *Great Britain*, That the said bestials, bales and parcels, and the goods therein contained, are the same that were taken on board by virtue of the said certificate or certificates so to be produced; on failure whereof, or of any of the requisites herein before mentioned, the bestials, goods, wares or merchandizes, shall be liable to the same duties, penalties and forfeitures, as they would have been liable to by law, if this act had not been made.

XII. Provided always, and it is hereby declared and enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to give liberty to any person to import into *Great Britain*, from the said *Isle of Man*, any goods or commodities of the growth or product of any foreign nation or country, which may be in part or fully manufactured in the said island, except linen manufactures made there of hemp or flax, not being the produce of the said island.

XIII. And it is hereby further enacted by the authority aforesaid, That from and after the first day of *July*, one thousand seven hundred and sixty five, the like bounties which are now allowed upon *British* and *Irish* linens exported from *Great Britain*, by virtue of an act made in the twenty ninth year of the

ture of the
Isle of Man,
except such as
are prohibited
by any act of
this session,
(woollen
goods, beer,
and ale, also
excepted)
may be im-
ported from
thence, on pay-
ment of the
same duties as
are payable on
like goods of
the produce
and manufac-
ture of *Great
Britain*; and under the
restrictions
and regula-
tions here
mentioned.

But no goods
of the growth
of any foreign
nation manu-
factured in the
said island
may be im-
ported, except
those of hemp
and flax.

Bounties pay-
able upon ex-
portation of
British and
Irish linens,
by act 39
Geo. 2.

to be allowed
on the like
species made
in the Isle of
Man, and re-
exported from
Great Britain.

reign of his late majesty King George the Second, intituled, *An act for granting a bounty upon certain species of British and Irish linens exported; and taking off the duties on the importation of foreign raw linen yarns made of flax*; shall be allowed and paid upon the like species of linen made in the *Isle of Man*, imported into *Great Britain*, in the manner herein before-mentioned, which shall be re-exported from *Great Britain*, under the same limitations, restrictions, penalties and forfeitures, in all respects, as are expressed and mentioned in the said recited act of parliament, with respect to the bounties thereby granted, as fully to all intents and purposes as if the several clauses, powers and directions relating thereto, were again repeated and enacted in this present act.

Clauses in act
20 Anne,

XIV. *And whereas by a clause in an act of parliament passed in the tenth year of the reign of her majesty Queen Anne, intituled, An act for laying several duties upon all soap and paper made in Great Britain, or imported into the same; and upon chequered and striped linens imported; and upon certain silks, calicoes, linens and stuffs, printed, painted or stained; and upon several kinds of stamp vellum, parchment and paper; and upon certain printed papers, pamphlets and advertisements, for raising the sum of eighteen hundred thousand pounds by way of a lottery towards her Majesty's supply; and for licensing an additional number of hackney chairs; and for charging certain stocks of cards and dice; and for better securing her Majesty's duties to arise in the office for the stamp duties by licences for marriages and otherwise; and for relief of persons who have not claimed their lottery tickets in due time, or have lost exchequer bills, or lottery tickets; and for borrowing money upon stock (part of the capital of the South Sea company) for the use of the publick; reciting, that it might frequently happen that stale or rotten soap, and also the cuttings of good soap (for which the duties by the said act should first have been duly paid or charged) might be put again into the copper or pan to be refreshed or made new; and the soap newly made from the same, or from a mixture of the same with other ingredients, would be chargeable with a new duty by the said act, it was therefore thereby provided and enacted, That in case such stale or rotten soap or cuttings, be put into the copper or pan, in the presence of an officer for the said duties, to be refreshed or made new as aforesaid; such officer should, from time to time, make an allowance of the duty of the stale or rotten soap, or cuttings so put in, and certify every such allowance upon his report to be returned to the head officer; any thing therein contained to the contrary notwithstanding: and whereas by an act made in the eleventh year of the reign of his majesty King George the First, intituled, An act for more effectual preventing frauds and abuses in the public revenues; for preventing frauds in the salt duties, and for giving relief for salt used in the curing of salmon and cod-fish, in the year one thousand seven hundred and nineteen, exported from that part of Great Britain called Scotland; for enabling the insurance companies to plead the general issue in ac-*
tions

and 11 Geo. 1.

tions brought against them; and for securing the stamp duties upon policies of insurance; reciting the before mentioned clause, and that under colour and pretence of making such allowances pursuant to the aforesaid clause, and by combinations and confederacies between fraudulent makers of soap and corrupted officers of and for the said duties, who by bribes had been prevailed upon in such their reports of the making of soap, sometimes to certify great quantities of stale or rotten soap, or of cuttings of soap put into such makings of soap, when in fact and in truth no such stale or rotten soap, or cuttings of soap, had really and in fact been put into such makings of soap, and at other times when small quantities of stale or rotten soap, or of cuttings of soap, have been put into such makings of soap, such officers had been by the means aforesaid prevailed upon to certify in such his and their report and reports, quantities of such stale or rotten soap, or cuttings of soap, much greater and far exceeding the quantity or quantities which at such time and times, really and in fact had been, and were put into such respective makings of soap, whereby his Majesty had been greatly defrauded of and in his duties on soap: for preventing whereof for the future, it was enacted, That if any stale or rotten soap, or any cuttings of soap, in order to the refreshing thereof, should from and after the twenty fourth day of June, one thousand seven hundred and twenty five, be put into any making or makings of soap, unless of the intention and designing so to be put such stale or rotten soap, or cuttings of soap, there should be, or should have been given, to the officer of the division or place where such putting in was intended to be, such notice in writing as therein after was mentioned (that is to say) if such putting in was to be within the limits of the weekly bills of mortality, then, and in such case, by the space of twelve hours next before the respective time and times of such putting in such stale or rotten soap, or cuttings of soap; but if in any other place or places out of the limits of the said weekly bills, then and in such case, by the space of twenty four hours next before the respective time and times of such putting in such stale or rotten soap, or cuttings of soap, that in every such case and cases whatsoever, where such putting in should be, or should have been without such notice, the officer should not certify such putting in, or any allowance for or in respect thereof, nor should the maker or makers of soap, in any such case or cases, have, or be intitled to have, any allowance or allowances whatsoever, for or in respect of such putting in such stale or rotten soap, or of such cuttings of soap: and it was further enacted, That if from and after the said twenty fourth day of June, one thousand seven hundred and twenty five, any officer or officers of excise, or for the said duties on soap, should falsely pretend, that he or they hath or have had due notice in writing of such putting in of such stale or rotten soap, or of such cuttings of soap, in any case and cases where and in which he or they really and in fact should not have had such due notice in writing, and should make such allowance and allowances as aforesaid, and should falsely certify the same; every such officer and officers for every pound weight of such stale or rotten soap, or cuttings of soap, so falsely allowed, or certified as aforesaid, should forfeit and lose the sum of ten shillings; and every such maker or makers of soap,

who should demand, claim, have or take, any benefit or advantage for or in respect of any such allowance so falsely made or certified by such officer or officers, in every such case and cases, should forfeit and lose the sum of ten shillings for every pound weight of such stale or rotten soap, or cuttings of soap, as should be claimed, demanded, had or taken, by such maker or makers of soap, for and in respect of such allowance so falsely made or certified for by such officer or officers: and whereas, notwithstanding the several before mentioned provisions, great frauds have been carried on by divers makers of hard soap, under pretence of returning stale or rotten soap, or cuttings of soap, to the great detriment of the revenue, and the fair traders; be it enacted by the authority aforesaid, That from and after the fifth day of July, one thousand seven hundred and sixty five, the several before-recited provisions, so far only as relates to hard soap, and the makers thereof, and no otherwise, shall be, and the same are hereby repealed; and in lieu of the before mentioned allowance hereby repealed, all and every the officers of excise, or for the duties on soap, shall, and they are hereby required, in charging the duties upon hard soap, to allow to the respective makers of hard soap, in their returns or reports of the several quantities of hard soap made by such respective makers of hard soap, one pound in every ten pounds of hard soap, which such officer or officers shall charge upon the respective makers thereof; which said allowance of one pound in every ten pounds of hard soap, is hereby declared to be in full compensation for all waste, losses, or damages whatsoever.

The several before recited provisions, so far as the same relate to hard soap, and the makers thereof, are repealed; and the makers are to be allowed 1 lib. in 10 lib. as a compensation in lieu of all waste, and other losses.

XV. And whereas great frauds have been committed by divers makers of hard soap, by removing and secreting large quantities of soap in the absence of the officers from the copper, pan, or other utensil wherein the same is made, before the same is put into the frame; for remedy thereof, be it enacted by the authority aforesaid, That all and every person and persons who, after the fifth day of July, one thousand seven hundred and sixty five, shall make any hard soap, shall, at his, her, or their own expence, find, provide, and affix sufficient wooden covers (to be approved of in writing by and under the hands of the respective surveyors or supervisors of excise of the division or district in which every such respective maker of hard soap shall reside) to every copper, pan, or other utensil wherein he shall boil or make any hard soap; which said coppers, pans, or other utensils, with the covers thereto affixed, and also the pipe or pipes that conveys or convey the waste or salt lees from the copper, pan, or other utensil, shall, and they are hereby required to be securely locked and sealed down by the officer of excise who surveys such trader, as soon as the fire is damped or drawn from under the copper, pan, or other utensil, whenever any soap, or any thing of a soapy quality, shall be left therein; which said locks and keys to the same, and all other necessary fastenings for securing the coppers, pans, or other utensils, and also the pipes, shall be provided by the respective surveyors or supervisors of excise of the division or district in which such respective

Makers of hard soap to provide proper covers to their coppers, pans, and other utensils;

which the officer is to lock and seal down, when the fire is damped;

Supervisor to provide the locks, keys, pipes, and other fastenings thereto,

pective makers of hard soap shall reside, at the expence of such at the expence of such
 respective makers; and whenever any such maker of hard soap pence of such
 shall be desirous of lighting a fire under such copper, pan, or makers;
 other utensil so locked and sealed down, and shall have given to and makers
 the officer of excise of the division or district twelve hours no- are to give
 tice, if such maker of hard soap shall reside within the limits proper notice
 and jurisdiction of the head office of excise in *London*; or if such of lighting a
 maker of hard soap shall reside in any other part of *Great Britain*, fire under
 such coppers,
 &c.
 twenty four hours notice of such his, her, or their intention, and the offi-
 cer to attend
 accordingly.
 the officer of excise shall attend to unlock and open the copper, Maker not
 pan, or other utensil, and the pipe or pipes so secured: and if providing
 any maker or makers of hard soap shall, after the said fifth day such covers,
 of *July*, one thousand seven hundred and sixty five, presume to
 make any hard soap before he, she, or they shall have found,
 provided, and affixed sufficient wooden covers, to be approved
 of as aforesaid, to every copper, pan, or other utensil wherein
 he, she, or they shall boil or make any hard soap, according to
 the directions of this act; or shall refuse to pay for the locks or refusing to
 and keys, and other fastenings to be provided in pursuance of pay for the
 the direction of this act; or if by any act, device, or contri- locks, fasten-
 vance whatsoever, any such maker of hard soap shall open any ings, &c.
 copper, pan, or utensil, or any pipe or pipes, after the same or opening
 shall have been locked down and secured as aforesaid, before the any copper
 same shall have been unlocked and opened by the officer of ex- before the
 cise, or shall wilfully break or damage any such lock or seal, or same is duly
 other fastening, every such maker or makers of hard soap, of- unlocked, &c.
 fending in any of the said cases, shall, for every such offence re- forfeits 20l.
 spectively forfeit and lose the sum of twenty pounds.

XVI. And whereas very great frauds have been committed by several makers of hard soap, in lighting their fires under their coppers, pans, or other utensils, under a pretence of cleansing their coppers, or for the preparing of materials for the making of soap, without giving any notice thereof to the proper officer of excise; for remedy thereof, be it further enacted by the authority aforesaid, That from and after the said fifth day of *July*, one thousand seven hundred and sixty five, no maker or makers of hard soap do presume, on any pretence, to light a fire under any copper, pan, or other utensil used in the boiling of soap, or for cleansing his, her, or their foul goods, or in the preparing any materials for the making of soap, without first giving in writing, to the proper officer of excise within the limits and jurisdiction of the head office of excise in *London*, twelve hours notice at least, and to the proper officer or officers in other parts of *Great Britain*, twenty four hours notice at least, of his, her, or their intention to light such fire, on pain to forfeit, for every such offence, the sum of twenty pounds.

XVII. And it is hereby further enacted by the authority a- fore said, That from and after the fifth day of *July*, one thou- sand seven hundred and sixty five, all and every maker and makers of hard soap shall make use of regular square or oblong frames only, for the cleansing or putting his, her, or their soap (whe- ther perfect or not perfect) into, when taken out of the copper

Maker to give due notice to the proper officer, of his intention of lighting fires, whether for making soap, or cleansing his foul goods, &c.

under penalty of 20l.

Maker to provide proper frames for putting his soap in when taken out of the copper;

and to give notice thereof to the proper officer before using the same; and the frames to be marked and numbered by the supervisor, before using,

on penalty of 20 l.

Hard soap once put into the frames, not to be returned again into the copper, without being charged afresh with the duties.

What shall be deemed legal and effectual notice and summons to private and clandestine makers of soap or starch, liable to prosecution for using unentered workshops, &c. and using assumed names, or abconding,

or other utensil where the same was boiled or prepared; and that the bottom, sides and ends, of every such frame, shall respectively be of the thickness of two inches at the least; and every such frame shall not exceed forty five inches in length, nor fifteen inches in breadth; of which frames all and every maker and makers of hard soap is and are hereby required to give notice in writing at the office for the duties on soap next to the place where such soap shall be made, before he, she, or they, do presume to use the same; all which said frames shall be marked and numbered by, or by the direction of, the respective surveyors or supervisors of excise who survey the respective makers of hard soap to whom such frames belong, at the expence of such respective makers: and that if any maker or makers of hard soap shall make use of any other sort of frame, or any other kind of vessel, for the purposes aforesaid; or if the bottom, or ends, or sides, of any of the said frames shall not be of the thickness before mentioned; or if any of the said frames shall exceed forty five inches in length, or fifteen inches in the breadth thereof; or if any such maker or makers of hard soap shall use any such frame, without giving such notice thereof as aforesaid, or before the same shall have been marked and numbered as aforesaid; he, she, or they shall, for every such offence respectively, forfeit and pay the sum of twenty pounds.

XVIII. And it is hereby further enacted by the authority aforesaid, That no hard soap (whether perfectly made or not) after the same shall have been cleaned or put into the frame or frames, shall, on any pretence whatsoever, be returned or put again into the copper or other utensil for boiling or re-working; and if any such hard soap shall be so returned or put again into the copper or other utensil, the same shall be again charged with the duties on soap.

XIX. And whereas great frauds have been committed by private and clandestine makers of soap and starch, who, when discovered, do assume to themselves, and are called by other than their true names, and to avoid being prosecuted for the same, do withdraw and abscond themselves, that they may not personally have notice of any prosecution for the same, or be served with any process or summons to answer the same: for remedy whereof, be it enacted by the authority aforesaid, That from and after the said first day of June, one thousand seven hundred and sixty five, the leaving a summons at the place or places where any such discovery as aforesaid shall be made, directed to the person or persons by his, her, or their right or assumed name or names, who shall be prosecuted for making or having made use of any boiling-house, working-house, warehouse, store-house, shop, room or other place, for the making or keeping of soap, or for the boiling or keeping any oil, tallow, pot ash, lime, or other materials proper to be made into soap; or for using or having made use of any copper, kettle, furnace, fatt, cistern, trough or other vessel, for the boiling or making of soap, without first giving notice thereof in writing at the office

office for the said duties on soap next to the place where such soap shall be made, according to the directions of the statute in in that case made and provided; or making or having made use of any work-house, store-house, room, or other place, for the straking and drying, or keeping of starch, or for the converting or keeping any flour, meal, or other materials proper to be made into starch; or for using or having made use of any fatt, trough, box, stove, utensil, or other vessel, for the making of starch; without first giving notice thereof in writing at the office for the duties on starch next to the place where such starch shall be made, according to the directions of the statutes in that case made and provided, shall be deemed to be, and is hereby declared to be, as legal and effectual a notice or summons, to all intents and purposes, as if such notice or summons was personally given or delivered to or into the hands of the party or parties for whom the same shall be designed; and as if such notice or summons was directed to the party or parties to and for whom the same shall be designed, by his, her, or their proper name or names.

XX. And be it further enacted by the authority aforesaid, That from and after the first day of *June*, one thousand seven hundred and sixty five, in case any officer or officers for the duties upon soap and candles, or either of them, shall have cause to suspect that soap or candles is or are privately making in any place or places whatsoever; or that any soap or candles is or are lodged or concealed in any place or places whatsoever, with an intent to defraud his Majesty of his duty; then, and in every such case, upon oath made by such officer or officers before the commissioners for the duties upon soap or candles for the time being respectively, or any one or more of them, or before one or more justice or justices of the peace, residing near the place where such officer or officers shall suspect the same to be privately making, or to be lodged, or concealed, setting forth the ground of his or their suspicion, it shall and may be lawful to and for the said commissioner or commissioners, justice or justices of the peace respectively, before whom such oath shall be made, if he or they shall judge it reasonable, by special warrant under his or their respective hands and seals, to authorize and empower such officer or officers, by day or by night, (but if in the night, then in the presence of a constable, or other lawful officer of the peace) to enter into all and every such place or places, where he or they shall so suspect that any soap or candles is or are so privately making, lodged, or concealed, and to seize and carry away all such soap or candles, as he or they shall there find so privately making, together with all the materials of what kind soever that shall be then ready or preparing for the making either of soap or candles; and likewise all such soap or candles as they shall find so lodged or concealed in any place or places whatsoever, as forfeited, together with all and every the boxes or other packages wherein such soap or candles shall be contained; and the person or persons that shall be found so privately

Where offices shall suspect soap or candles are privately making, or lie concealed, and shall set forth the ground of his suspicion upon oath;

a special warrant may be granted him to enter such places,

and seize such goods, with all the materials,

and all such soap and candles as shall be found concealed there;

vately

and where the duties shall not appear to have been paid, the parties forfeit 100l.

Recital of clauses in act 9 Anne,

vately making either soap or candles, or the person or persons in whose possession any soap or candles shall be so found, unless, he, she, or they, do make it appear that the duty has been paid for the same, shall respectively forfeit and pay the sum of one hundred pounds.

XXI. And whereas by an act passed in the ninth year of the reign of her late majesty Queen Anne, intituled, *An act for laying certain duties upon hides and skins, tanned, tawed, or dressed, and upon vellum and parchment, for the term of thirty two years, for prosecuting the war, and other her Majesty's most necessary occasions*; it was (amongst other things) enacted, That if any tanner, tawer, or dresser, of hides or skins, or any maker of vellum or parchment, chargeable by the said act, should remove or convey, or cause or procure to be removed or conveyed, from his, her, or their yard or drying place, any of the said hides and skins, or pieces of hides and skins, or any such vellum or parchment, before the said duties shall be fully charged by weight or tale, or *ad valorem*, as the said act in the respective cases doth require; and before the same hides or skins, or pieces of hides and skins, and such vellum and parchment respectively, should be marked to denote the charging the duty as the said act directs; that then, and in such case, all and every such tanner, tawer, dresser, and maker, should, for every such offence, forfeit and lose the sum of fifty pounds; one moiety thereof to the Queen, and the other moiety thereof to him or them that should inform or sue for the same: and moreover, that all the hides and skins, and pieces of hides and skins, vellum and parchment, which should be sold or removed contrary to the said act, should be forfeited, and should and might be seized by any of her Majesty's officers, for her Majesty's use: and whereas by one other act passed in the fifth year of the reign of his late majesty King George the First, intituled, *An act for continuing the duties on malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and nineteen*; and for enlarging the time for entering at the exchequer such assignments of reverfionary annuities as are therein mentioned; and for the better securing the duties on hides and skins, vellum and parchment; it was enacted, for the better ascertaining the said duties, and for preventing the carrying on of frauds between the officers for the said duties, and the traders and dealers in the manufactures and goods charged with the said duties; and to the intent that hides and skins, and pieces of hides and skins, and vellum and parchment, after they have been weighed and taken an account of by the officers for the said duties, may again be weighed and taken an account of by the supervisors and surveyors of the said duties; That from and after the tenth day of January, one thousand seven hundred and eighteen, all tanners, tawers, and dressers of hides and skins, and pieces of hides and skins, vellum and parchment, should, from time to time, keep all such hides and skins, and pieces of hides and skins, vellum and parchment, which have not been duly stamped by the officers for the said duties, separate and apart from all other hides and skins, and pieces

and 5 Geo. 1.

pieces of hides and skins, vellum and parchment, which have been duly stamped by the officers for the said duties; and should also, from time to time, keep all such hides and skins, and pieces of hides and skins, and vellum and parchment, as from time to time should have been last stamped by the officers for the said duties, separate and apart from all other hides and skins, and pieces of hides and skins, vellum and parchment, which at any time or times before should have been stamped by the officers for the said duties, during the respective times therein after mentioned (that is to say) within the limits of the weekly bills of mortality, by the space of twenty four hours next after such stamping thereof by the said officers, and in other places out of the limits of the said weekly bills, by the space of two days next after such stamping thereof, unless the same should respectively sooner have been weighed and taken an account of by the respective surveyors or supervisors for the said duties, on pain to forfeit, for every offence therein, the sum of ten pounds: and whereas, for want of an express provision, that no tanner, tawer, or dresser of hides and skins, and pieces of hides and skins, shall remove or convey, or cause to be removed or conveyed, from his, her, or their yard or drying place, any of the said hides and skins, or pieces of hides or skins, after the same have been weighed and stamped by the officers for the said duties, before the same have been again weighed and taken an account of by the respective surveyors or supervisors for the said duties, it is notorious, that many such tanners, tawers, and dressers of hides and skins, and pieces of hides and skins, have, through various pretences, frequently removed and conveyed their hides and skins, and pieces of hides and skins, from their yards and drying places, and immediately after the same have been weighed and marked by the officer for the said duties, whereby the respective surveyors and supervisors for the said duties have been prevented from re-weighing and taking an account thereof, so that great frauds have been committed between the said traders and the inferior officers of excise, contrary to the true intent and meaning of the said last recited clause, and to the great detriment of the revenue and fair trader: now, in order to prevent such frauds, and abuses agreeable to the intent of the said last recited clause; it is hereby enacted and declared by the authority aforesaid, That no tanner, tawer, or dresser of hides or skins, or pieces of hides or skins, chargeable with the respective duties by law payable for the same, shall at any time or times, from and after the fifth day of *July*, one thousand seven hundred and sixty five, remove or convey, or cause, procure, or suffer, to be removed or conveyed, from his, her, or their yard or drying place, or from his, her, or their entered store-rooms, any hides or skins, or pieces of hides or skins, before the expiration of twenty four hours next after the stamping thereof by the officers for the said duties, unless the same shall sooner have been weighed by the respective supervisors or surveyors for the said duties; to the end that the said respective supervisors and surveyors may have an opportunity

Tanners, &c.
not to remove
the hides or
skins, &c.
from the drying
places or
store-rooms
for 24 hours
after the
stamping
thereof by
the officer for
the duties, on
penalty of
20 l.
unless they
shall have
been sooner
weighed by
the supervisor

and any additional weight which shall be then found, is to be charged with the duty.

tunity to re-weigh the same after the said officers: and if upon the re-weighing any such hides or skins, or pieces of hides or skins, any additional weight shall be found, such hides or skins, or pieces of hides or skins, shall be liable to, and chargeable with, the respective rates and duties by law payable for such hides or skins, according to such last mentioned weight: and if any such tanner, tawer, or dresser of hides or skins, or pieces of hides or skins, shall remove, or cause or suffer to be removed, any such hides or skins, or pieces of hides or skins, from any of his, her, or their yards or drying places, or entered store-rooms, contrary to the true intent and meaning of this act; he, she, or they, shall, for every such offence, forfeit and lose the sum of twenty pounds.

Tanners to provide proper scales and weights in their drying places,

and to bring the skins to the scales, and assist the supervisor in re-weighing the same, and in examining their depending stocks, on penalty of sol.

XXII. And, to the end the said respective surveyors and supervisors may not be unnecessarily delayed in the execution of their duty, it is hereby enacted by the authority aforesaid, That from and after the said fifth day of *July*, one thousand seven hundred and sixty five, all and every such tanners, tawers, and dressers of hides and skins, shall, at their respective yards or drying places, be obliged to provide and keep, at their own costs and charges, sufficient and just scales and weights for the re-weighing such hides and skins, and pieces of hides and skins; and to bring the same to the scales, and to assist the said respective surveyors and supervisors in the re-weighing such hides and skins, and in examining, from time to time, the depending stock of every such tanner, tawer, or dresser of hides and skins, and pieces of hides and skins, and if any such tanner, tawer or dresser of hides and skins, or pieces of hides and skins, shall refuse or neglect to provide and keep, at their respective yards or drying places, sufficient and just scales and weights for the re-weighing such hides and skins, and pieces of hides and skins, or to bring the same to the scales, or to assist the said respective surveyors and supervisors in the re-weighing such hides and skins, or pieces of hides and skins, or in the examining from time to time, their respective depending stocks as this act directs; every such tanner, tawer, and dresser of hides and skins, or pieces of hides and skins, so refusing or neglecting, shall, in each and every such case, forfeit and lose the sum of fifty pounds.

Recital of clauses in act 5 Anne,

XXIII. And whereas by an act of parliament made and passed in the fifth year of the reign of her late majesty Queen *Anne*, intituled, *An act for an union of the two kingdoms of England and Scotland*; it is, by the eighteenth article of the said act of union, declared and enacted, That the laws concerning regulation of trade, customs, and such excises to which *Scotland* is, by virtue of this treaty, made liable, be the same in *Scotland*, from and after the union, as in *England*; and by the seventh article of the said act of union, it is also declared and enacted, That all parts of the united kingdom be, for ever, from and after the union, liable to the same excises upon all exciseable liquors; excepting only that the thirty four gallons *English* barrel of beer or ale, amounting to twelve gallons *Scots* present measure, sold in *Scotland* at nine shillings and six pence sterling, excluding all duties,

duties, and retailed, including duties, at two pence the *Scotch* pint, or eighth part of the *Scots* gallon, be not after the union liable, on account of the present excise upon exciseable liquors in *England*, to any higher imposition than two shillings sterling upon the aforesaid thirty four gallons *English* barrel, being twelve gallons the present *Scots* measure; yet nevertheless doubts have been raised whether the brewers of that particular species of beer or ale mentioned and described in the said seventh article of the said treaty of union, and commonly called and known by the name of *Two Penny Beer* or *Ale*, are within the description and meaning of an act of parliament made and passed in the seventh and eighth years of the reign of King *William* the Third, intituled, *An act for laying several duties upon low wines or spirits of the first extraction; and for preventing the frauds and abuses of brewers, distillers, and other persons chargeable with the duties of excise*; and by reason of such doubts, great frauds and abuses have been, and are, daily committed and made by the brewers of such beer or ale, which is generally called *Two Penny Beer* or *Ale*, by their refusing to permit or suffer the gauger or gaugers, officer or officers, to stay and continue in their brew-houses, store-houses, or other places, in the same manner as all other brewers are obliged and accustomed to permit and suffer them, to see such guiles or brewings brewed off, cleansed, and carried out without mixture, and by their fraudulently carrying a great part of their beer or worts away from the sight and view of such gauger or gaugers, officer or officers, before the same have been charged with any duty, and which is evidently discovered to be the practice of such brewers, from the constant great disparities which have been, and still are, from time to time, found by the gauger or gaugers, officer or officers, on their surveys, between the cheque gauges of their beer or worts taken in the coppers, and the real gauges of the same beer or worts when cast out of the coppers and thrown into the backs or coolers, and from whence the duty is charged, whereby his Majesty's revenue has been lessened and diminished more than one half to what the same was formerly: now, for removing and putting an end to such doubts, and for the more effectual preventing the frauds aforesaid, and other frauds practised to the detriment of the revenue; be it declared and enacted by the authority aforesaid, That it is the true intent and meaning of the said act, and articles of union, that the said act made and passed in the seventh and eight years of the reign of his late majesty King *William* the Third, herein before mentioned, and every clause, matter, and thing, therein contained (except such part thereof as was repealed by an act passed in the eighth and ninth years of the reign of his said majesty King *William* the Third) doth now, and always did, by virtue of the said act, and articles of union, extend to that part of the united kingdom of *Great Britain*, called *Scotland*, and to all and every the brewers, inn-keepers, and victuallers therein, of what kind, quality, or denomination soever they shall brew or make their beer or ale; and that if hereafter any

and act of
7 & 8 W. 3.

The recited
act of 7 & 8
W. 3. declared, in its
original intention and
meaning, to
extend to
Scotland,

and to the
brewers, inn-
keepers, and
victuallers
therein, brew-
ing their own
beer or ale.

any

Officers according to be admitted into such houses to gauge the worts,

and to continue there till they have done their duty;

on penalty of
s. 1.

Act 8 & 9
W. 3.

The recited act of 8 & 9 W. 3. declared in its original intention and meaning, to extend to Scotland, and to all common brewers within the same. Common brewer to de-

any common brewer, inn-keeper, or victualler, in that part of Great Britain called Scotland, whether such common brewer, inn-keeper, or victualler, shall brew or make party guiles of strong and small beer, or party guiles of strong two penny beer or ale, and small beer, or whether such common brewer, inn-keeper, or victualler, shall brew or make intire guile or guiles of one sort of beer or ale only, of what kind or quality the same shall be, shall, upon due request or demand made by the gauger or gaugers, or other officer or officers, in the day-time, or, in the night, in the presence of a constable or other lawful officer of the peace, refuse to permit such gauger or gaugers, or other officer or officers, to enter and come into his house, brew-house, storehouse, or other places belonging to or used by such brewer, inn-keeper, or victualler, or being lawfully entered, shall refuse such gauger or gaugers, or other officer or officers, to stay and continue in his brewhouse or place of brewing whilst his guile is brewing, and quietly gauge and take an account of all and every the wort and worts as they are brewed off and let into his backs, tuns, or other vessels, and to see their strong and small, or other beer or ale of what kind or quality soever, cleansed and carried out without mixture, and to gauge and take an account of the goods in the mash tun, or of the quantity of malt from which such wort or worts are drawn or made, or during such part of such brewing or operation as such gauger or gaugers, officer or officers, shall think fitting and convenient to stay and continue; such brewer, innkeeper, or victualler, for every such offence, shall forfeit and lose the sum of twenty pounds; and the informer or prosecutor shall not be obliged to prove that such brewer, innkeeper, or victualler, did carry or deliver out any part of such guile of beer or ale before he paid and cleared the duties for the same; any thing in the former acts of excise, or any other act or statute to the contrary notwithstanding.

XXIV. And whereas doubts have arisen upon the construction of an act of parliament made and passed in the eighth and ninth years of the reign of King William the Third, intituled, *An act for repealing a clause in a former act relating to party guiles, and for the better preventing frauds and abuses of brewers and others chargeable with the duties of excise*, whether such common brewers of the beer or ale aforesaid, commonly called or known by the name of *Two Penny Beer* or *Ale*, are by the said act obliged to declare to the gauger or gaugers, the quantity and quality of such beer or ale so brewed or made by them, in the same manner as common brewers of party guiles now do by virtue of the said act: now to obviate those doubts, be it enacted and declared by the authority aforesaid, That it is the true intent and meaning of the said act and articles of union, that the said act of the eighth and ninth years of the reign of King William the Third do, by virtue of the said act and articles, extend to all and every part of the united kingdom, and to all and every common brewer within the same: and that all and every common brewer,

brewer, whether of the beer or ale aforesaid, commonly called and known by the name of *Two Penny*, or of what kind or quality soever he shall make his worts, beer, or ale, shall declare (on demand made by the gauger or gaugers) the quantity and quality of the beer, ale, or worts, made and brewed by him or them on each respective guile or brewing, before any part of such guile is cleansed or removed out of his tuns, or other vessels or utensils: and in case any such brewer, or his respective servants, brewing or making such guile of beer or ale, shall refuse to make such declaration as aforesaid, such gauger or gaugers shall charge and return the whole of such guile to be strong, and such brewers shall pay the duties thereof accordingly; and shall also forfeit and lose, for every barrel of beer or ale contained in such guile, the sum of twenty shillings: and in case any common brewer, or his respective servant or servants, after such declaration made as aforesaid, shall make any increase of strong beer or strong ale, or two penny beer or ale, so declared by any ways or means whatsoever; or shall mix his beer or ale of one guile or brewing with any beer or ale of any other guile or brewing, or with small beer or returned drink, or with water, or by any other ways or means whatsoever; or in case such gauger or gaugers shall find any beer, ale, or worts, of the same guile laid off, over and above the quantity so declared as aforesaid; such brewers shall forfeit and lose for every barrel so increased or mixed, laid off, or found over and above the quantity so declared as aforesaid, the sum of five pounds; and the servant or servants of such brewer, or other person or persons, and every of them, who was or were any ways concerned, or aiding, or assisting, in making any such encrease or mixture after the said declaration, or in laying off any such beer or ale, or worts, of such guile, before such declaration made as aforesaid, shall forfeit and lose for every barrel so encreased, mixed, or laid off, the sum of twenty shillings; and in default of payment thereof, shall suffer three months imprisonment; unless it shall appear, that such encrease or mixture was made by adding to, or mixing with the same, any beer or ale that was left in his or her brewhouse of a former guile of his or her brewing; and unless it shall also appear, that such encrease or mixture was added or made in the sight and view of the proper gauger or officer.

XXV. And whereas by an act of parliament made and passed in the eighth and ninth years of his majesty King *William the Third*, intituled, *An act for repealing a clause in a former act relating to party guiles, and for the better preventing frauds and abuses of brewers and others chargeable with the duties of excise*; it is, amongst other things, enacted, That if any common brewer shall, at any time after the tenth day of *April*, which was in the year of our Lord one thousand six hundred and ninety seven, without notice first given at the next office, erect or set up any tun, batch, float, cooler, or copper, or shall alter or enlarge any tun, batch, float, cooler, or copper, already erected or set up, or shall have or keep any private or concealed tun, batch, float, cooler,

clare to the officer the quantity and quality of the worts, before the guile is removed out of the tuns;

otherwise the whole is to be charged strong, and the duty to be paid accordingly; with 20 s. per barrel extra.

If, after declaration, any fraudulent increase or mixture shall be made in such beer,

or any of the guile shall be laid off: brewer to forfeit 5 l. per barrel,

and the persons assisting in such frauds

to forfeit moreover 20s. per barrel: and on non-payment to be committed for 3 months.

Recital of clause in act 8 & 9 W. 3.

Common
brewer alter-
ing the situa-
tion or posi-
tion of his
brewing u-
tensils, with-
out giving
notice to the
proper officer,

or placing any
thing in the
dipping place,
&c. to prevent
the taking the
true gauge,

forfeits 20 l.

Recital of
clause in act
28 Geo. 2.

cooler, or copper, other than such as are openly discovered and known to be commonly used in his brewhouse, or place of brewing; every such brewer shall forfeit and lose for every tun, batch, float, cooler, and copper, so erected, set up, altered, or enlarged, kept private or concealed, without such notice given as aforesaid, the sum of two hundred pounds: and whereas it very frequently happens that brewers do alter the situation and position of such of their utensils in their own favour, and in pre-
judice to the revenue, without giving any such notice; whereby it is very difficult, and sometimes impossible for the gauger or officer to ascertain the true dips, and the quantity of the liquor contained therein, and thereby the good intent of the said act is greatly defeated and rendered ineffectual: for remedy whereof, be it therefore enacted by the authority aforesaid, That if any common brewer shall, from and after the said fifth day of *July*, one thousand seven hundred and sixty five, alter the situation or position of any tun, batch, float, cooler, or copper, after the same hath been set up and fixed, without first giving notice thereof in writing to the officer of the division or place appointed to survey, gauge, and take an account of his beer, ale, or worts; or shall place any boards, stone, wood, or any other materials, at, in, or upon, the dipping place or places, of any such tun, batch, float, cooler, or copper, or shall by any other ways or means prevent or hinder such gauger or officer from taking true dips and gauges of such beer, ale, or worts, every such brewer shall, for every such offence, forfeit and lose the sum of twenty pounds.

XXVI. And whereas by a clause in an act of parliament passed in the eighteenth year of the reign of his late majesty King George the Second, intituled, *An act for repealing the present inland duty of four shillings per pound weight upon all tea sold in Great Britain, and for granting to his Majesty certain other inland duties in lieu thereof; and for the better securing the duty upon tea, and other duties of excise; and for pursuing offenders out of one county into another*; reciting, That whereas by the laws then in force concerning the duties of excise, and other duties under the management of the commissioners of excise, in that part of *Great Britain* called *England*, all forfeitures and offences made and committed within the immediate limits of the chief office in *London*, were to be heard, adjudged, and determined, by the chief commissioners and governors of excise; and all such forfeitures and offences made and committed within all or any other the counties, cities, towns, or places, in *England*, were to be heard and determined, by any two or more of the justices of the peace, residing near to the place where such forfeitures should be made, or offence committed; and reciting also, that many persons chargeable with duties of excise, or other duties under the management of the said commissioners, or incurring penalties by offences against the said laws, did frequently avoid prosecutions for the same, by removing out of the jurisdiction wherein such duties were charged, or offence committed, to the
great

great prejudice of the revenue, and discouragement of the fair traders: for remedy whereof, it was by the said act enacted, That from and after the twenty fourth day of *June*, one thousand seven hundred and forty five, it should and might be lawful for the said commissioners and justices respectively within whose jurisdiction any person charged with any of the said duties, or who should have committed any offence against the said laws, or any of them, or against the said act, should be found, to summon, hear, adjudge, and determine, and issue any process or warrant, in the same manner as such commissioners might then do, in case of such offences as were committed within their respective jurisdictions; and in case the said commissioners or justices should, upon any judgement given by them respectively, issue a warrant or warrants of distress, and the person or persons authorized to execute such warrant, or any of them, should make a return thereto, that no sufficient distress could be found, then it should and might be lawful for the said commissioners and justices respectively, within whose jurisdiction the party should at any time be found against whom such warrant should have been issued, upon producing to them such warrant and return thereof, to commit such offender to the next county gaol, till satisfaction should be made: and whereas, since the passing of the said clause, divers other rates and duties of excise, and other rates and duties, have by virtue of several acts parliament been put under the management of the respective commissioners of excise in *England* and *Scotland*; and it is proper that the provisions in the last recited clause should be extended to all and every law and laws concerning the duties of excise, or other duties under the management of the respective commissioners of excise in *England* and *Scotland*; be it therefore declared and enacted by the authority aforesaid, That all and every the powers, authorities, provisions, and directions, enacted by the said last recited clause, shall and may, from and after the fifth day of *July*, one thousand seven hundred and sixty five, be used, practised, applied, and put in execution, against all and every person or persons who shall commit any offence or offences against any act or acts of parliament concerning the duties of excise, or any other duties under the management of the respective commissioners of excise in *England* and *Scotland* for the time being, in as full and effectual manner, as if the said powers, authorities, provisions, and directions, had been enacted in the body of each respective act; any law, statute, or usage, to the contrary in any wise notwithstanding.

Powers and provisions enacted by the last recited clause, to be put in execution against all persons committing offences against any acts concerning the duties of excise.

XXVII. And whereas the laws already made to prevent the clandestine importing and landing of foreign brandy, rum, strong waters, or other spirits, in small vessels, which hover upon the coasts of this kingdom, have been found insufficient for that purpose; be it further enacted by the authority aforesaid, That from and after the fifth day of *July*, one thousand seven hundred and sixty five, if any foreign brandy, arrack, rum, strong waters, or spirits of any kind whatsoever, shall be im-

Where foreign spirits shall be brought into any part of Great Britain, in vessels of 200 tons burden, or under,

such spirits
are liable to
forfeiture, to-
gether with
the vessel, &c.
and may be
seized, and
sold, as for-
feited goods,
and vessels un-
der 50 tons
burthen,
may by act
3 Geo. 3.

No geneva or
rum may be
imported in
less than 60
gallon casks,

on forfeiture
thereof;

except British
made rum
from the plan-
tations im-
ported directly
from thence
and designed
for private
use,

which may be
admitted to
entry, and to
pay the duties.

ported or brought from any part of *Europe*; or from and after the first day of *December*, one thousand seven hundred and sixty five, shall be imported or brought from any part of *Asia*, *Africa*, or *America*, into *Great Britain*, or into any port, harbour, haven, or creek thereof, in any ship, vessel, or boat, of the burthen of one hundred tons, or under (except only for the use of the seamen then belonging to and on board such ship, vessel or boat, not exceeding two gallons for every such seaman) every such ship, vessel or boat, with all her tackle, furniture, and apparel, and also all such brandy, arrack, rum, strong waters or spirits, or the value thereof, shall be forfeited and lost; and shall and may be seized, prosecuted, condemned and disposed of, in the same manner as other forfeited goods and ships or vessels, not exceeding fifty tons burthen, are directed to be seized, prosecuted, condemned and disposed of, by an act made in the third year of the reign of his present Majesty, intituled, *An act for the further improvement of his Majesty's revenue of customs; and for the encouragement of officers making seizures; and for the prevention of the clandestine running of goods into any part of his Majesty's dominions.*

XXVIII. And it is hereby further enacted by the authority aforesaid, That from and after the fifth day of *July*, one thousand seven hundred and sixty five, no foreign spirits called *Geneva*, and that from and after the first day of *December*, one thousand seven hundred and sixty five, no rum shall be imported or brought into *Great Britain*, in any vessel or cask which shall not contain sixty gallons at the least (excepting only for the use of the seamen then belonging to and on board the ship or vessel in which the same shall be imported, not exceeding two gallons for each seaman) on forfeiture thereof, to be seized, prosecuted, and divided, in the manner herein before mentioned.

XXIX. Provided always, That in case it shall be made appear to the satisfaction of the commissioners of his Majesty's customs in *England* or *Scotland* respectively, that any rum, being the produce or manufacture of any of his Majesty's dominions in *America*, shall be imported directly from thence in small casks, without fraud or concealment, either for the use of the master in the voyage, or for the private use of merchants or traders so importing the same, or designed as presents, and not by way of merchandize; that then, and in every such case, it shall and may be lawful for the said respective commissioners, if they think proper, to admit such rum to an entry, and cause the duties thereof to be accepted instead of the forfeiture thereof before mentioned; any law, custom, or usage, to the contrary notwithstanding.

XXX. And whereas great quantities of brandy, rum, and other spirits, are clandestinely run on shore in *Great Britain*, from small vessels which are cleared outwards from *Ireland*, under the pretence of being destined with such goods to foreign parts; to prevent which practices for the future, be it enacted by the authority aforesaid, That from and after the fifth day of *July*,

one thousand seven hundred and sixty five, if any brandy, rum, strong waters, or spirits of any kind whatsoever, shall be entered or shipped for exportation from the kingdom of *Ireland*, to any port or place not within the same kingdom, in any ship or vessel whatsoever, under the burthen of one hundred tons, except only for the use of the seamen then belonging to and on board such ship or vessel, not exceeding two gallons for each such seaman; every such ship or vessel, with all her tackle, furniture and apparel, and also all such brandy, rum, strong waters or spirits, shall be forfeited, and shall and may be seized by any officer or officers of the revenue in *Ireland*, and prosecuted, tried, determined and disposed of, in such and the like manner as any forfeiture incurred by the laws now in force in the said kingdom of *Ireland*, against the running or intending to run goods into that kingdom, may, by any act or acts of parliament now in force in that kingdom, be prosecuted, tried, determined, and disposed of.

XXXI. And whereas tobacco, rum, and other goods, are shipped for exportation to the islands of *Faro* or *Ferro*, being part of the dominions of the king of *Denmark*, with no other intent than fraudulently to reland the same on the coasts of *Great Britain* or *Ireland*; which practices, if not prevented, will greatly diminish his Majesty's revenues of customs, and be very prejudicial to the fair traders: for remedy whereof, be it further enacted by the authority aforesaid, That no drawback or bounty shall be allowed for any goods whatsoever, which, from and after the fifth day of *July*, one thousand seven hundred and sixty five next, shall be exported from *Great Britain* or *Ireland*, to the said islands of *Faro* or *Ferro*; nor shall any cocket or clearance be granted for the exporting to the said islands any goods which are prohibited to be worn or used either in *Great Britain* or *Ireland*; any law, custom, or usage, to the contrary notwithstanding.

XXXII. And be it further enacted by the authority aforesaid, That if any merchant or other person shall enter any goods for exportation to foreign parts, other than to the said islands of *Faro* or *Ferro*, in order to obtain the drawback or bounty for the same; or if any goods which are prohibited to be worn or used in *Great Britain* or *Ireland*, shall be entered for exportation to foreign parts, other than to the said islands of *Faro* or *Ferro*; and such goods shall nevertheless be carried to the said islands, and landed there contrary to the true intent and meaning of this act; that then, and in every such case, the drawback or bounty paid or to be paid for the same, shall be forfeited; and the exporter of such goods, and the master of the ship or vessel on board which the same were laden and exported, and every person concerned or assisting in the exportation or landing of the said goods, whether any drawback or bounty has been or is to be paid for the same or not, shall forfeit treble the value of the goods; and the ship or vessel on board which such goods were laden and exported, with all her tackle, furniture and apparel, shall

Where spirit of any kind shall be shipped or entered for exportation from *Ireland*, in vessels under 100 tons burthen; such vessel, and spirits, may be seized, and are declared to be forfeited.

No drawback or bounty to be allowed for any goods exported from *Great Britain* or *Ireland* to the islands of *Faro*; nor cocket granted for exporting prohibited goods thither.

Penalty of entering goods for exportation to foreign parts, other than the islands of *Faro*, in order to obtain the drawback or bounty; and also prohibited goods so entered; and afterwards landing the same at *Faro*, is forfeiture of the bounty, and treble value of the goods, together with the vessel,

shall also be forfeited, and shall and may be seized and prosecuted by any officer of the customs or excise in *Great Britain or Ireland*; and the several penalties and forfeitures herein before-mentioned, shall and may be sued for and recovered in such and the like manner as any forfeiture incurred by any law of the revenue may be sued for and recovered in the kingdoms of *Great Britain or Ireland* respectively; one moiety of which penalties and forfeitures (after deducting the charges of prosecution) shall be to the use of his Majesty, his heirs and successors; and the other moiety to such officer of the customs or excise as shall sue or prosecute for the same.

The islands of Farq to be included in the oath upon debentures for goods exported.

XXXIII. And be it further enacted by the authority aforesaid, That from and after the said fifth day of *July*, one thousand seven hundred and sixty five, the said islands of *Faro or Ferre*, shall be added to, and included in the oath upon all debentures for goods exported, whereon the exporter is to swear, that such goods are not landed or intended to be landed in *Great Britain or Ireland*.

No coffee to be imported in less packages than 112 lb. neat coffee,

XXXIV. And, for preventing the frauds frequently used in importing coffee in small quantities, whereby the same is more easily conveyed away without payment of any duties for the same; be it hereby enacted by the authority aforesaid, That from and after the fifth day of *July*, one thousand seven hundred and sixty five, no coffee shall be brought or imported from any part of *Europe*; or from and after the first day of *December*, one thousand seven hundred and sixty five, shall be brought or imported from any part of *Asia, Africa, or America*, into *Great Britain*, or into any port, harbour, haven or creek thereof, in any ship or vessel from any place or places whatsoever beyond the seas, otherwise than in cask, chest, case, bag or other package, each cask, chest, case, bag, or other package whereof, shall contain one hundred and twelve pounds of neat coffee at the least, to be stowed openly in the hold of such ship or vessel importing the same; on pain to forfeit all the coffee so brought or imported contrary to this act, with the package containing the same, which shall and may be seized by any officer of the customs or excise.

On penalty of forfeiture.

Recital of clause in act 10 Geo. 1.

XXXV. And whereas by an act of parliament passed in the tenth year of the reign of his majesty King George the First, intituled, An act for repealing certain duties therein mentioned, payable upon coffee, tea, cocoa nuts, chocolate and cocoa paste imported; and for granting certain inland duties in lieu thereof; and for prohibiting the importation of chocolate ready made, and cocoa paste; and for better ascertaining the duties payable upon coffee, tea, and cocoa nuts imported; and for granting relief to Robert Dalziel, late earl of Carnwath; it was, amongst other things, provided and enacted, That from and after the twenty-fourth day of *June*, one thousand seven hundred and twenty four, all coffee, tea, and cocoa nuts, imported into the kingdom of *Great Britain* from any foreign parts, upon the entry thereof at the custom-house, and paying or securing the several subsidies and additional imposts which should then remain due thereon, should be forthwith carried or

put

put into such warehouse or warehouses as should be for that purpose provided, at the charge of the respective importer or importers of such coffee, tea and cocoa nuts, and shall be approved of by the commissioners of his Majesty's customs, or the major part of them, for the time being: and whereas several persons have refused or neglected, for a long time after the importation of such coffee, tea, and cocoa nuts, to make due entry thereof, and to pay or secure the several subsidies and additional imposts due thereon, and have insisted to keep the same on board, by which means the revenue of excise hath been unnecessarily put to a very considerable expence, by keeping tidemen on board the ships; and great opportunities are also obtained for embezzling or running on shore all or part of the said coffee, tea and cocoa nuts, without payment of any duties for the same, notwithstanding the utmost care and vigilance of the officers of excise to prevent the same; for remedy whereof, be it hereby enacted by the authority aforesaid, That from and after the fifth day of July, one thousand seven hundred and sixty five, the importer or importers of any coffee, tea, or cocoa nuts, imported into Great Britain, within thirty days next after the master or purser, for that voyage, of the ship or vessel wherein the said coffee, tea, or cocoa nuts, shall be imported or brought into the kingdom of Great Britain, shall have, or ought to have, made a just and true entry or report, upon oath, of the burthen, contents, and lading of such ship or vessel, in pursuance of the directions of the statute made in the thirteenth and fourteenth years of the reign of King Charles the Second, intituled, *An act for preventing frauds and regulating abuses in his Majesty's customs*, shall make due entry thereof, with an officer of the excise, to be appointed by the respective commissioners of excise in England and Scotland for that purpose, and land the same, to be put in the warehouses as aforesaid, on pain to forfeit, for every neglect or refusal to make such entry, or to land the same according to the directions of this act; all such coffee, tea and cocoa nuts, with the package wherein the same shall be contained on board such ship or vessel, belonging to such importer or importers of the same so neglecting or refusing; which shall and may be seized by any officer or officers of the excise.

XXXVI. Provided always, and it is hereby enacted and declared by the authority aforesaid, That the last-mentioned provision shall not extend, or be construed to extend, to any coffee or tea imported, or to be imported, by the East India company.

XXXVII. And whereas in cases where any person or persons is or are at liberty to export to foreign parts any wares or merchandizes, subject to the duties under the management of the commissioners of excise, such person or persons is or are required, by the laws now in being, to make proof upon oath or by affirmation, that the duty of such wares or merchandizes hath been paid or secured, according to the several acts by which such duty is respectively laid upon such wares or merchandizes; which oath or affirmation the collector, who received the said duty, is thereby required and empowered to administer; and

Importer of coffee, tea, or cocoa nuts, is to enter the same within 30 days after report made at the custom house of the ship's arrival, &c.

pursuant to act 13 & 14 Car. 2. and is to duly land the same, to be put in the King's warehouses,

on forfeiture thereof;

but this is not to extend to any tea or coffee imported by the East India company.

Persons specially appointed by the commissioners of excise, may, in the absence of the collector, administer the oath required to be taken on the exportation of goods liable to the duties of excise, and grant proper certificates.

Vessels not exceeding 50 tons burthen, arriving from foreign parts, found hovering on the coast, having 20lb. of coffee, or other goods on board liable to forfeiture,

may be seized; and the vessel and goods are confiscated,

also to give to such person or persons gratis a certificate or certificates, expressing the kinds and weights of such wares or merchandizes, and the duties paid for the same: and whereas it frequently happens, that such collectors are absent from home, in the execution of other parts of their duty, when such persons, so intending to export such wares or merchandizes, do apply, in order to make such proof upon oath or by affirmation, and to receive such certificate, by which means such persons are prevented from or greatly delayed in the exportation of such wares or merchandizes; be it therefore enacted by the authority aforesaid, That from and after the said fifth day of July, one thousand seven hundred and sixty five, it shall and may be lawful for such person or persons, as shall be appointed by the commissioners of excise in England and Scotland respectively for the time being, or the major part of them respectively, within their several districts, to administer such oath or affirmation, in the absence of the respective collectors, to the persons so applying for the same, in order to export such wares and merchandizes as aforesaid; and to give gratis to such person such certificate or certificates, so required by the several acts by which such duty is respectively laid upon such wares or merchandizes, in such manner as the collectors of excise are now by law required and empowered to do.

XXXVIII. *And whereas it is expedient that the like provisions which are made by law to prevent the clandestine landing of tea, and foreign spirituous liquors, from vessels hovering upon the coast of Great Britain, should be extended to coffee, and such goods as are liable to forfeiture upon being imported into this kingdom;* be it therefore enacted by the authority aforesaid, That from and after the fifth day of July, one thousand seven hundred and sixty five, where any ship or vessel whatsoever coming or arriving from foreign parts, and having on board twenty pounds weight of coffee, or any goods whatsoever which are liable to forfeiture by any act of parliament now in force, upon being imported into Great Britain, shall be found at anchor, or hovering within the limits of any of the ports of this kingdom, or within two leagues of the shore, or shall be discovered to have been within the limits of any port, and not proceeding on her voyage, wind and weather permitting, unless in case of unavoidable necessity and distress of weather, of which necessity and distress the master, purser, or other person having or taking the charge or command of such ship or vessel, shall give notice to, and make proof of, before the collector or other chief officer of the customs of such port as aforesaid, immediately after the arrival of such ship or vessel into the said port; all such goods, together with the chests, boxes, casks, and other package whatsoever, containing the same goods, or the value thereof, shall be forfeited and lost, whether bulk shall then have been broken or not; and the ship or vessel, on board which such goods shall be so found, with all her tackle, furniture and apparel, shall also be forfeited and lost: provided such ship or vessel doth not exceed the burthen of fifty tons; and the same shall and may be seized, prosecuted, condemned,

ed,

ed, and disposed of, in the same manner as other forfeited goods and ships or vessels not exceeding fifty tons burthen, are directed to be seized, prosecuted, condemned, and disposed of, by an act made in the third year of the reign of his present Majesty, intituled, *An act for the further improvement of his Majesty's revenue of customs; and for the encouragement of officers making seizures; and for the prevention of the clandestine running of goods from any part of his Majesty's dominions.* and are to be disposed of as directed by Act 3 Geo. 3.

XXXIX. And in order to prevent any collusive agreements between the officers of his Majesty's customs or excise making seizures, and the owners or other persons concerned in the importing or landing any goods liable to forfeiture; it is further enacted by the authority aforesaid, That, from and after the fifth day of July, one thousand seven hundred and sixty five, if any officer of the customs or excise, or other person authorized to make seizures, shall seize any goods as forfeited by this act; or any tea, foreign brandy, arrack, rum, strong waters, or spirits, as forfeited, by an act made in the ninth year of the reign of his late majesty King George the Second, intituled, *An act for indemnifying persons who have been guilty of offences against the laws made for securing the revenues of customs and excise, and for enforcing those laws for the future;* on board any ship or vessel whatsoever, and shall not seize and prosecute the ship or vessel on board which such goods shall have been brought, found, or seized; or if any such officer or officers shall seize any goods, wares, or merchandizes whatsoever, which shall have been unshipped, landed, removed, or carried, contrary to law, and shall not also seize and prosecute the boat, vessel, cart, horse, or other cattle or carriage, made use of in the removing, carrying, or conveying of such goods; and shall not discover to the commissioners of his Majesty's customs or excise, the persons concerned in unshipping, or receiving such goods, so that they may be prosecuted for the penalties incurred by law for such offences; such officer and officers shall, in each and every such case, in lieu and instead of the moiety or share which he or they is or are now intitled to by law upon the condemnation of such goods, be intitled to no more than one third part of the net produce arising by the sale of such goods; and the remaining two thirds shall be to the use of his Majesty, his heirs and successors; any law, custom, or usage, to the contrary notwithstanding.

Where officers shall make seizures pursuant to this act, or act 9 Geo. 2. on board any vessel, and not seize and prosecute the ship.

or shall make seizures on shore, and not seize and prosecute the cattle and carriage, &c. employed in running the same, and discover the persons concerned therein; they are to receive, instead of a moiety, but one third of the produce arising by the sale; the rest to go to the crown

XL. And whereas great frauds have been carried on by the makers and proprietors of salt, in collusion with the officers appointed for the duties on salt; which frauds have been greatly prejudicial, not only to the revenue, but to the fair trader; and whereas provision has not hitherto been made for subjecting such of the said officers as are guilty of these evil practices to any penalty, other than the penalty of the bond given by them for the faithful discharge of their trust, which penalty is not sufficient to prevent such frauds; be it therefore enacted by the authority aforesaid, That from and after the fifth day of July, one

Officers for the
salt duties be-
ing guilty of
any fraud or
collusion in
the execution
of their office,

thousand seven hundred and sixty five, if any officer for the duties on salt shall deliver, or cause or suffer to be delivered, or be consenting or privy to the delivering, removing, or conveying, *British* white salt, refined salt, rock salt, or salt rock, from any salt work, crib, store-house, or other place, made use of for making, refining, or keeping, of any such salt, or from any salt pit or pits, or to the landing any foreign salt out of any ship or vessel, importing the same from parts beyond the seas, before the same be fairly, duly, and truly, entered and charged in the book or books enjoined to be kept for that purpose, whereby the maker, refiner, or owner of such *British* white salt, refined salt, rock salt, or salt rock, or the merchant or importer of such foreign salt, shall become chargeable with and liable to the full payment of the duties due and payable thereon to his Majesty, his heirs, and successors; such officer or officers, for the duties on salt, so offending as aforesaid, shall, in every such case, forfeit and lose, over and above the penalty of the bond he entered into, either by himself or sureties, for the due performance of the trust reposed in him, double the value of such salt, and also ten shillings *per* bushel, and after that rate for any greater or lesser quantity.

forfeit over
and above the
penalty of
the bonds
given by them
double the va-
lue of the
salt, and also
10s *per* bushel.

XLI. And whereas in all cases where salt is shipped on board boats, barges, or other vessels, in order to be carried down rivers or coastwise for the purposes of the fishery, or to be shipped for exportation, or otherwise, great care should be taken for the preventing frauds that may be committed by clandestinely landing part of the said salt in such voyage: be it therefore enacted by the authority aforesaid, That from and after the fifth day of *July*, one thousand seven hundred and sixty five, all such salt, which shall be landed without the presence of an officer for the duties on salt, shall be forfeited and lost, and also ten shillings *per* bushel, to be recovered of the owner of such boat, barge, or other vessel; and all vessels, boats, barges, trows, or lighters, out of which any such salt shall be taken or put on shore, together with their tackle and apparel, shall also be forfeited and lost; and every person that shall take any such salt out of any such ship or vessel of any kind, or carry the same on shore or convey the same from the shore when landed, or be aiding or assisting therein, shall forfeit the sum of twenty pounds for every such offence.

Salt shipped
for the fish-
eries, &c, not
to be landed
but in pre-
sence of an
officer, on
forfeiture
thereof, and
10s *per* bushel,
with the vessel,
and 20l. by
every person
concerned
therein.

Where per-
sons shall be
found carry-
ing salt, of-
ficer may de-
mand a sight
of the per-
mits,

XLII. And be it enacted by the authority aforesaid, That from and after the fifth day of *July*, one thousand seven hundred and sixty five, it shall and may be lawful to and for the officer and officers of the said duties on salt, at every place where he or they shall meet with any person or persons carrying or conveying salt by day or by night, by land or by water, to demand a sight of the permit or certificate which was granted by the collector or officer for the duties on salt, or some or one of them, for the carrying or conveying the said salt; and if, upon producing such permit or certificate, the said officer or officers shall have reason to believe, or shall suspect, that there is more salt

salt than is expressed in such permit or certificate, that then, and in every such case, the said officer or officers shall and may, at his own expence, re-weigh the said quantity of salt; and if the salt, on the re-weighing the same, shall be found to be more in weight than what is contained in the said permit or certificate that then the surplusage that shall exceed the quantity contained in the said permit or certificate shall be forfeited and lost, and the person or persons concerned in so carrying or conveying the same, shall also severally be liable to the same penalties and forfeitures as any person or persons is or are liable to by this and any other act or acts of parliament relating to the duties on salt for removing, conveying, or carrying, any salt or rock salt from any salt work or salt works, pit or pits, place or places, thereunto belonging, without due entry of the same, or payment of the duties, or giving security for such duties, or without warrant, ticket, or licence, for conveying, carrying, or removing the same.

XLIII. And whereas it is necessary that the penalty inflicted by an act made in the first year of the reign of Queen Anne, upon persons obstructing the officers, for the said duties, in the execution of their offices, or of the powers given by the said act or any law relating to the said duties then in force, should be extended to persons guilty of the like offences against this or any other act relating to the said duties; be it further enacted, That if any person or persons shall obstruct or hinder any officer or officers, for the said duties, in the execution of his or their offices, or of the powers given them by this act, or any other law relating to the said duties, or shall beat or abuse the said officers, or any of them, in the execution of his or their offices; such person and persons shall, for every such offence, forfeit and lose the sum of twenty pounds.

Persons obstructing, &c. officers in the execution of their duty, forfeit 20l.

XLIV. And be it declared and enacted by the authority aforesaid, That from and after the fifth day of July, one thousand seven hundred and sixty five, if any salt, as well British as foreign rock salt, or salt refined from rock salt, or red herrings or white herrings, or any other sort of fish, be seized for nonpayment of duties, or any other cause of forfeiture, by any of the laws relating to the duties on salt or fish now in force, and any dispute shall arise whether the said salt or herrings, or other kind of fish, had been duly entered, and the duties for the same duly paid, or secured to be paid; or that such salt or herrings, or other kind of fish, had been legally condemned; or that the salt had been duly entered and locked up for the fishery, according to law; or that the quantity of salt used in the curing of fish as set forth in the curer's account, was truly used, then, and in such cases, the proof thereof shall lie on the owner or claimer of such salt or herrings, or the curer of fish, and not on the officer who shall seize or stop such salt, herrings, or other kind of fish; anything in this or any other act of parliament to the contrary notwithstanding.

Where salt or fish shall be seized for non-payment of duties, &c.

and any dispute shall arise thereupon,

the *Onus probandi* is to lie on the owner.

XLV. And be it further enacted by the authority aforesaid, That

Where salt or fish is made liable to forfeiture the package carriages and cattle employed therein, are forfeited also

How all fines penalties, and forfeitures, for which no other provision is made, are to be sued for, recovered, or mitigated,

That from and after the fifth day of *July*, one thousand seven hundred and sixty five, in all cases whatsoever where salt or fish of any kind shall be liable to seizure, by virtue of this or any former act of parliament, that the bags, sacks, casks, or other package, and also the carriages, horses, and other cattle, made use of in carrying and conveying the same, be also forfeited and lost; and that it be lawful for the officers of the salt duties, and the officers of the customs, to seize the same.

XLVI. And be it further enacted by the authority aforesaid, That all fines, penalties, and forfeitures, inflicted by this act, and for which no other directions are before particularly given, shall be sued for, recovered, levied, or mitigated, in manner following; that is to say, for all offences committed against any of the provisions herein before contained, with respect to the duties under the management of the commissioners of the customs, by such ways, means, and methods, as any fine, penalty, or forfeiture, is or may be sued for, recovered, levied, or mitigated, by any law or laws relating to the said duties; and for all offences committed against any of the provisions herein before contained, with respect to the duties under the management of the commissioners of excise, by such ways, means, and methods, as any fine, penalty, or forfeiture, is or may be sued for, recovered, levied or mitigated, by any law or laws of excise; and for all offences committed against any of the provisions herein before contained, with respect to the said duties on salt, by such ways, means, and methods, as any fine, penalty, or forfeiture, is or may be sued for, recovered, levied, or mitigated, by any law or laws relating to such duties; or that all or any of the said respective fines, penalties, and forfeitures, may be sued for and recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland* respectively; and that in all cases where it is not otherwise directed by this act, one moiety of every such fine, penalty, or forfeiture shall be to his Majesty, his heirs, or successors, and the other moiety to him or them who shall discover, inform, or sue for the same.

and applied.

XLVII. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing by him or them done or executed in pursuance of this act, or of any other act of parliament relating to his Majesty's revenues of customs, excise, or salt duties, the defendant or defendants in such action or suit shall and may plead the general issue, and give the said act and the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of such act: and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or prosecution, or judgement shall be given against him, her, or them, upon demurrer, or otherwise, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

General issue.

Treble cost s.

CAP. XLIV.

An act for repealing the act made in the last session of parliament, intituled, An act for vesting the fort of Senegal, and its dependencies, in the company of merchants trading to Africa; and to vest as well the said fort and its dependencies, as all other the British forts and settlements upon the coast of Africa, lying between the port of Sallee and Cape Rouge, together with all the property, estate and effects of the company of merchants trading to Africa, in or upon the said forts, settlements, and their dependencies, in his Majesty; and for securing, extending, and improving the trade to Africa.

WHEREAS by two acts of parliament, the one made in the twenty third year of the reign of his late majesty King George the Second, intituled, An act for extending and improving the trade to Africa; and the other made in the twenty fifth year of the reign of his said late Majesty, intituled, An act for the application of a sum of money therein mentioned, granted to his Majesty, for making compensation and satisfaction to the royal African company of England, for their charter, lands, forts, castles, slaves, military stores, and all other their effects whatsoever; and to vest the land, forts, castles, slaves, and military stores, and all other their effects, in the company of merchants trading to Africa; and for other purposes in the act mentioned; all and every the British forts, lands, castles, settlements, and factories, on the coast of Africa, beginning at port Sallee, and extending from thence to the Cape of Good Hope inclusive, which had been granted to the royal African company of England, by their charter bearing date the twenty seventh day of September, in the twenty fourth year of the reign of King Charles the Second; or which had been after that time erected or purchased by the said company; and all other the regions, countries, dominions, territories, continents, coasts, ports, bays, rivers, and places, lying and being within the aforesaid limits, and the islands near adjoining to those coasts, and comprehended within the limits described by the said charter, and which at the time of passing the said last mentioned act were, or at any time theretofore had been, in the possession of, or claimed by, the said royal African company; together with the cannon and other military stores, canoemen, castle slaves, at and belonging to the said forts, castles, settlements, and factories, particularly mentioned and set forth in the first schedule to the said last mentioned act annexed; and also all contracts and agreements made by or for or on the behalf of the said royal African company, with any of the kings, princes, or natives, of any of the countries or places of the said coasts; and all other the property, estate, and effects whatsoever, of the said royal African company (except as in the said last mentioned act is excepted) were fully and absolutely vested

Preamble, re-citing clauses in acts 23 and 25 Geo. 2.

and act 4 Geo.
3.

Repeal of the
act of 4 Geo. 3.

except as to
the annual
deduction of
400l. by the
committee of
the African
company.

African com-
pany divested
of all the forts,
territories,
and factories,
on the Afri-
can coast,
from the
port of Sallee
to Cape
Rouge, &c.

*in the corporation called and known by the name of The company of merchants trading to Africa, and their successors, to the intent and purpose that the said forts, settlements, and premisses, should be employed at all times thereafter only for the protection, encouragement and defence of the said trade: and whereas by another act made in the last session of parliament, intituled, An act for vesting the fort of Senegal, and its dependencies, in the company of merchants trading to Africa; the fort of Senegal, and its dependencies, were also vested in the said company of merchants, to be employed in the same manner, and under the same regulations, and subject to the same provisions, as the other forts and settlements on the coast of Africa were vested in the said company, and subject to, by virtue of the before-mentioned act made in the twenty third year of his late Majesty's reign: and forasmuch as the good purposes proposed by the several before-recited acts of securing, improving, and extending, for the benefit of all his Majesty's subjects, the trade to and from Africa might be more effectually and compleatly provided for, if the said fort of Senegal and its dependencies, together with such other of the British forts and settlements upon the coast of Africa as lie to the northward of the cape commonly called Cape Rouge, were vested in his Majesty, his heirs and successors; be it therefore enacted by the King's most excellent Majesty by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said act made in the last session of parliament, intituled, *An act for vesting the fort of Senegal, and its dependencies, in the company of merchants trading to Africa*, shall, except so much thereof as authorizes the committee of the company of merchants trading to Africa, to deduct annually out of the monies they shall receive, a further sum, not exceeding four hundred pounds, for the purposes in the said act mentioned, from and after the twenty fourth day of June, one thousand seven hundred and sixty five, be, and it is hereby repealed.*

II. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of June, the said company of merchants trading to Africa shall be, and they are hereby absolutely divested of all and every the forts, lands, castles, settlements, and factories on the coast of Africa, beginning at the port of Sallee in South Barbary, and extending from thence to Cape Rouge inclusive, and all other the regions, countries, dominions, territories, continents, coasts, ports, bays, rivers, and places, lying and being within the aforesaid limits, and the islands near adjoining to those coasts, and comprehended within the said limits, and all other the property, estate and effects whatsoever, which by virtue of the said acts severally made in the twenty third and twenty fifth years of the reign of his late Majesty, or either of them, are now vested in the said company of merchants trading to Africa; and that from and after the said twenty fourth day of June, as well the said fort of Senegal and its

its dependencies, as all other the forts, lands, castles, settlements, and the same and factories, on the coast of *Africa*, beginning at the port of *Sallee* in *South Barbary*, and extending from thence to *Cape Rouge* inclusive; and all other the property, estate, and effects whatsoever, possessed by the said company of merchants within the limits aforesaid, or claimed by them in respect to such their possessions within the said limits, be, and they are hereby, fully and absolutely vested in his Majesty, his heirs and successors.

III. And be it further enacted by the authority aforesaid, That all the powers, privileges, and authorities whatsoever, granted to the said company of merchants by either of the said acts made in the twenty third and twenty fifth years of his late Majesty's reign, so far as the same concern any of the territories, forts, settlements, or other the premises lying within the limits aforesaid, and hereby vested in his Majesty, his heirs and successors, shall from and after the said twenty fourth day of *June* cease and determine.

IV. Provided always, and be it enacted by the authority aforesaid, That the trade to and from *Africa* shall continue free, and open to all his Majesty's subjects; and that it shall be lawful for all his Majesty's subjects, without preference or distinction, to trade and traffic to and from any of the ports or places hereby vested in his Majesty, his heirs, and successors, without any restraint whatsoever, other than and except the due observance of all such orders or regulations as shall, by and under the authority of his Majesty, his heirs, and successors, be established for the immediate defence of the forts, settlements, and factories, hereby vested in them, or for the better government of his Majesty's subjects residing or coming within the limits aforesaid; and that the forts, warehouses, and buildings, hereby vested in his Majesty, his heirs, and successors, shall continue to be free and open to all his Majesty's subjects, in the same manner and for the same purposes, as they have hitherto been under the authority of the said former acts.

V. And be it further enacted by the authority aforesaid, That That it shall not be lawful for any of the officers or servants, employed by the committee of the said company on the coast of *Africa*, to export negroes from *Africa* upon their own account; and that if any such officer or servant shall be found to be directly or indirectly interested in such exportation of negroes from *Africa*, he shall be dismissed from the service of the said committee.

VI. And whereas, by the said act made in the twenty third year of his late Majesty's reign, it is enacted, That the committee of the said company of merchants shall give an account upon oath, of all the money received by them, and of the application thereof; but no provision is thereby made with respect to the accounts to be given by their officers and servants of the disposal or application of the goods and stores purchased, from time to time, by the said committee, and by them sent to the coast

and the trade to *Africa* declared open to all his Majesty's subjects;

together with the forts and warehouses, &c. hereby vested in the crown.

Committee's officers or servants not to export negroes on their own account, on penalty of dismission.

Committee's officers and servants to transmit an attested account once a year of the application and disposal of the stores consigned to them within the preceding year,

on penalty of suspension of their salary.

His Majesty empowered to grant an exclusive right for 21 years, to Geo. Glas, of trading to port Regeala, &c.

subject however to redemption, by a parliamentary compensation.

coast of *Africa*, to be there used and applied as by the said act is directed; be it therefore enacted by the authority aforesaid, That every officer or other person, employed by the said committee on the coast of *Africa*, to whom any part of such goods or stores so purchased, and sent out as aforesaid, shall be consigned and delivered, shall be required to transmit to the said committee, once at least in every year, an account of the disposal and application of all such goods and stores within the preceding year; having first made oath to the truth of such account, before such person as shall be authorized by his Majesty, his heirs or successors, to administer the same; and that no such officer or other person as aforesaid, shall be deemed to be discharged, in respect of any such goods and stores consigned or delivered to him as aforesaid, in any other manner than by an account given, upon oath, of the disposal and application thereof; and if any such officer or other person shall neglect to transmit to the said committee such account as is hereby required, the said committee are hereby required and enjoined forthwith to suspend him from the enjoyment of his salary; and in case, upon enquiry, they shall find such neglect to have been wilful, they are hereby required and enjoined to dismiss him from their service.

VII. Provided nevertheless, and be it enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs, and successors, by and with the advice of his or their privy council, to make unto *George Glas*, and his associates or assigns, a grant, by letters patent under the great seal, for any term not exceeding twenty one years, of the sole right and privilege of carrying on trade and traffick to a certain port alledged to be discovered by him on the coast of *Africa*, called *Regeala* or *Gueder*, situate in *South Barbary*, between *Sallee* and *Cape Blanco*, and also to such district of land adjoining thereto, as he shall have procured to be ceded, together with the said port, to his Majesty, upon such terms, conditions, and reservations, to be inserted in the said grant, as his Majesty, his heirs, and successors respectively, shall judge expedient; subject, however, to be redeemed at any time upon the payment of such compensation as the parliament shall think proper; any thing in the before recited act of the twenty third year of his late Majesty's reign, or in this present act, contained to the contrary thereof in any wise notwithstanding.

C A P. XLV.

An act for more effectually securing and encouraging the trade of his Majesty's American dominions; for repealing the inland duty on coffee, imposed by an act made in the thirty second year of his late majesty King George the Second; and for granting an inland duty on all coffee imported (except coffee of the growth of the British dominions in America); for altering the bounties and drawbacks upon sugars

sugars exported; for repealing part of an act made in the twenty third year of his said late Majesty, whereby bar iron made in the said dominions was prohibited to be exported from Great Britain, or carried coastwise; and for regulating the fees of the officers of the customs in the said dominions.

WHEREAS the improving and securing the trade and commerce of the British colonies and plantations in America is highly beneficial, not only to the said colonies and plantations but to Great Britain: and whereas it may on this account be proper to encourage the importation of deals, planks, boards and timber, from the said colonies and plantations, whereby his Majesty's royal navy, as well as ships employed in the merchants service, may be furnished with such materials at more reasonable rates than at present; and great sums of money at present expended among foreign nations, for the purchase of such materials, may be saved: may it therefore please your most excellent Majesty, that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *January*, one thousand seven hundred and sixty six, every person or persons who shall, within the time appointed by this act, import, or cause to be imported, into this kingdom, directly from any of his Majesty's dominions in *North America*, in any ship or ships that may lawfully trade thither, manned as by law is required, any good, sound and merchantable deals, planks, boards and timber, of the following dimensions, shall have and enjoy as a reward or premium for such importation, the following sums; that is to say,

Bounties
granted on the
importation of
deals, planks,
boards and
timber, from
North Ame-
rica;

For every hundred, containing six score of such deals, planks, and boards, not less than ten feet long, ten inches broad, and one inch and one quarter of an inch thick, so imported, from the first day of *January*, one thousand seven hundred and sixty six, to the first day of *January*, one thousand seven hundred and sixty nine, the sum of twenty shillings; and in the like proportion for any greater length, and for any greater thickness, not exceeding four inches.

the premiums
on the several
species and
dimensions of
such goods.

For every load, containing fifty cubic feet of such squared timber of all kinds, not less than ten inches square, so imported, from the said first day of *January*, one thousand seven hundred and sixty six, to the said first day of *January*, one thousand seven hundred and sixty nine, the sum of twelve shillings.

For every hundred of such deals, planks and boards as above described, fifteen shillings; and for every load of such timber, eight shillings; which shall be so imported, from and after the said first day of *January*, one thousand seven hundred and sixty nine,

nine, to the first day of *January*, one thousand seven hundred and seventy two.

And for every hundred of such deals, planks and boards, ten shillings; and for every load of such timber, five shillings; which shall be imported, from and after the said first day of *January*, one thousand seven hundred and seventy two, to the first day of *January*, one thousand seven hundred and seventy five.

The bounty to be paid by the collector,

or receiver general of the customs;

To be paid, upon demand, to the importer of such deals, planks, boards and timber, by the collector of the port where the same shall be imported, out of the customs, or any duties payable upon wood imported: and in case the collector of the port where the same shall be imported, shall not have money sufficient in his hands, he is hereby required to certify the same to the commissioners of the customs, who shall cause the same to be paid by the receiver general of his Majesty's customs; the bounty for the said goods imported into *England*, to be paid by the receiver general of the customs in *England*; and for such as shall be imported into *Scotland*, to be paid by the receiver general there.

A certificate being first produced, attested on oath, of such goods being of the growth and produce of the said colonies;

and oath also being made at the port of arrival of their being duly laden on board in *North America*.

II. And in order to intitle the importer of such goods to the premium granted by this act, and to prevent frauds by importing foreign deals, planks, boards and timber; be it further enacted by the authority aforesaid, That all and every person or persons, importing any such deals, planks, boards and timber, into *Great Britain*, shall produce to the chief officer or officers of the customs, at the port of importation, a certificate or certificates, under the hand and seal of the governor, lieutenant governor, collector of his Majesty's customs, and naval officer, or any two of them, residing and being within any of his Majesty's dominions in *North America*, that, before the departure of such ship or vessel, ships or vessels, the person or persons, merchant, trader or factor, loading the same, had made oath before them, that the said goods so shipped on board (expressing in the said certificate the number, quantity and species, of each sort respectively) were truly and *bona fide* of the growth and produce of his Majesty's said dominions; which oath the said governor, lieutenant governor and collector of his Majesty's customs, and naval officer, or any two of them, are hereby authorized to administer; as likewise, upon oath to be made, in any port of *Great Britain*, by the master or masters of such ship or vessel, ships or vessels, importing such goods, that the same were truly laden on board such ship or vessel, ships or vessels, within some of his Majesty's dominions in *North America*; and that he or they know or believe, that the said goods were the produce of the said dominions.

Officer, before granting a certificate for the bounty, may examine

III. And, that the officers of the customs may be the better able to discover any frauds intended for receiving the aforesaid premiums; be it further enacted by the authority aforesaid, That it shall and may be lawful for the said officers, and they are hereby required, before they make out any such certificate, to examine

examine the said goods by shifting the same, or by such other means as they shall think proper, to find out and discover, whether the same are good, sound and merchantable.

IV. Provided always, That in case any doubt or dispute shall arise between the said surveyors or officers of the customs, and the owners or importers of such of the aforesaid goods as are imported into the port of *London*, as to the quality or condition of the same, it shall and may be lawful for the commissioners of his Majesty's customs, if they shall think proper, to call two or more merchants, or others well skilled in the commodity, who shall declare, upon oath, if required, their opinion, as to the quality and condition of the same: and according to the best of their judgement, determine whether the said goods are entitled to the premiums hereby granted, or not: and if any doubt or dispute shall arise, as to the quality or condition of any of the aforesaid goods imported into any of the outports in *England*, proper and true descriptions of the quality and condition thereof, attested by two merchants, or others well skilled in the commodity, at the port or place where the same shall be imported; which attestation shall be upon oath, before any one or more of his Majesty's justices of the peace, who is or are hereby authorized to administer the same; shall be sent to the commissioners of the customs in *London*; and if imported into the outports in *Scotland*, to the commissioners of the customs at *Edinburgh*, in such manner as the respective commissioners shall direct, in order that, upon consideration thereof by the respective commissioners at *London* or *Edinburgh* respectively, it may be determined whether the same are intitled to the premiums hereby granted, or not.

Where there shall be any doubt as to or the quality condition of the goods, merchants may be called in to give their opinion, upon oath.

V. And be it further enacted by the authority aforesaid, That no fee, gratuity or reward shall be demanded, taken or received by any officer of his Majesty's customs, for examining, viewing or delivering such goods, with respect to the premium or reward allowed by this act, or for the signing any of the certificates, in order to the receiving such premium or reward, or for paying the same; and any such officer demanding or taking such fee or reward shall, for such offence, forfeit his office, and be for ever after incapable of executing any office of employment under his Majesty, his heirs and successors.

Officer to take no fee for examining the goods, or granting a certificate,

VI. And be it further enacted by the authority aforesaid, That if any such deals, boards, planks or timber of the growth of the *British* dominions in *North America*, shall, after the first day of *January*, one thousand seven hundred and sixty six, be exported from *Great Britain*, that then, and in every such case, the person or persons so exporting the same shall, before the entry thereof, pay unto the collector of the customs at the port where the same shall be exported, or to the chief officer of the customs there, the full sum which is by this act allowed as a premium on all such goods respectively as he intends to export.

The premium to be repaid on exportation of the said goods;

VII. Provided always, That the said collector or chief officer of the customs, upon receiving of such premium from the ex-

and the collector to porter charge him-

self therewith accordingly; and to be brought to account.

If the goods shall be fraudulently exported without re-paying the premium, they are liable to forfeiture and double value.

In case of doubt, with respect to the growth or product of such goods *Onus Probandi* to lie on the owner.

Penalty of clandestinely importing, &c. like goods of foreign growth, and demanding the premium, is forfeiture of the vessel, and 100l.

Recital of clause in act 3^d Geo. 2.

porter of such goods as aforesaid, shall and do charge himself with the money so received; and the commissioners of his Majesty's customs are to take particular care that the same be duly brought to the account of his Majesty by such collector or chief officer as aforesaid.

VIII. And be it further enacted by the authority aforesaid, That if any person or persons, their agents or assigns, shall be found fraudulently to export such goods, without paying such premium to the collector or chief officer of the customs in manner as aforesaid, such person or persons shall forfeit and lose all such goods and double the value thereof; one moiety whereof shall be to the use of his Majesty, his heirs and successors, and the other moiety to such officer of the customs as shall seize or sue for the same; to be prosecuted in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland* respectively, wherein no essoin, protection or wager of law, or more than one imparlance, shall be allowed.

IX. Provided always, That if any doubt or dispute shall arise, whether any of the goods, or any part thereof, so to be exported, are of the growth or product of his Majesty's dominions in *North America*, or of foreign growth or product, the *Onus Probandi* shall lie on the owner or claimer thereof, and not on the prosecutor; any law, custom or usage, to the contrary notwithstanding.

X. And be it further enacted by the authority aforesaid, That if the master or owner of any ship or vessel shall clandestinely import or receive in such ship or vessel, to be imported into *Great Britain*, any deals, boards, planks or timber, knowing the same to be foreign growth or product, and shall demand or receive for any such foreign deals, boards, planks or timber, the reward or premium hereby granted, such master or owner shall forfeit the sum of one hundred pounds; and the ship or vessel in which such foreign deals, boards, planks or timber, shall be so fraudulently imported, with all her guns, tackle, apparel and furniture, shall be also forfeited; and the same shall and may be seized, sued for, prosecuted and divided, as herein before mentioned.

XI. *And whereas by an act of parliament made in the thirty second year of the reign of his late majesty King George the Second, intituled, An act for granting to his Majesty a subsidy of poundage upon certain goods and merchandizes to be imported into this kingdom; and an additional inland duty on coffee and chocolate; and for raising the sum of six millions six hundred thousand pounds, by way of annuities and a lottery, to be charged on the said subsidy and additional inland duty; it was enacted and declared, That from and after the fifth day of April, one thousand seven hundred and fifty nine, there should be charged, levied, collected and paid, unto and for the use of his Majesty, his heirs and successors, for and upon all coffee to be sold in Great Britain, by wholesale or retail, an additional inland duty, to be paid by the respective sellers of such coffee; (that is to say) for and upon all coffee*

to be sold in Great Britain, an additional duty of one shilling per pound weight avoirdupois; and in that proportion for a greater or lesser quantity, over and above the then present inland duty, and over and above all customs and duties then payable upon the importation thereof: and whereas it may tend to encourage the growth of coffee in the British dominions in America, and the importation thereof into this kingdom, if the said additional duty granted by the said last recited act was discontinued; be it therefore enacted by the authority aforesaid, That from and after the fifth day of July, one thousand seven hundred and sixty five, the said additional duty of one shilling per pound weight avoirdupois, for and upon all coffee to be sold in Great Britain, granted by the said last recited act, shall cease, and be no longer paid or payable: and that in lieu thereof, from and after the said fifth day of July, one thousand seven hundred and sixty five, there shall be charged, levied, collected and paid, unto and for the use of his Majesty, his heirs and successors, for and upon all coffee, not being of the growth and product of the British plantations in America, to be sold in Great Britain by wholesale or retail, an additional inland duty, to be paid by the sellers of such coffee; (that is to say) for and upon all coffee, not being of the growth and product of the British plantations in America, to be sold in Great Britain, an additional inland duty of six pence per pound weight avoirdupois; and in that proportion for a greater or lesser quantity, over and above the inland duty of two shillings per pound paid on coffee, granted by an act made in the tenth year of the reign of his majesty King George the First, intituled, *An act for repealing certain duties therein mentioned payable upon coffee, tea, cocoa nuts, chocolate, and cocoa paste imported; and for granting certain inland duties in lieu thereof; and for prohibiting the importation of chocolate ready made, and cocoa paste; and for better ascertaining the duties payable upon coffee, tea and cocoa nuts imported; and for granting relief to Robert Dalzell, late earl of Carnwath, and over and above all customs and duties payable upon the importation thereof.*

XII. And be it further enacted by the authority aforesaid, That the said additional inland duty hereby granted to his Majesty, shall be raised, levied, collected and paid, in the same manner, and under such management, and under such penalties, and forfeitures, and with such power for recovering the same, and by such rules, ways and methods as the former inland duties payable to his Majesty upon coffee are raised, levied, collected and paid, as fully, to all intents and purposes, as if the several clauses, powers, directions, penalties, and forfeitures relating thereto, were particularly repeated and again enacted in the body of this present act, and shall be paid into the exchequer in like manner, and appropriated to the same uses to which the said duty of one shilling per pound weight was made applicable.

XIII. Provided always, and it is hereby further enacted, That nothing herein before contained shall extend, or be construed to extend, to take off the additional duty of one shilling per pound upon coffee granted by the said recited act of the thir-

From and after 5 July, 1765, the additional inland duty of 1s. per lb. laid upon all coffee sold in Great Britain, by the recited act, is to cease; and 6d. per lb. to be paid in lieu thereof, for all coffee not of the growth of the British plantations in America, over and above the duties payable by act 10 Geo. 1.

The said duty to be raised, &c. as former inland duty.

The additional duty of 1s. per lb. laid by the recited act of 31 Geo. 1.

is not to be taken of such coffee, as is or shall be lodged in the King's warehouses before 5 July 1765; &c.

Act 9 & 10 Will. 3.

Drawbacks granted by former acts on exportation of refined sugars, to cease; and 14s. 6d. per Cwt. on loaf sugar properly refined and dried, to be paid in lieu thereof.

Lump sugars, duly refined, intitled to like drawback.

In lieu of the former drawbacks on bastards, ground sugar, and candy,

ty second year of the reign of his late majesty King *George* the Second, with respect to such coffee which now is, or shall on or before the fifth day of *July*, one thousand seven hundred and sixty five, be lodged or secured in any warehouse or warehouses in pursuance of the directions of any former act or acts of parliament in that behalf made; nor shall the said additional duty hereby granted be charged upon such coffee so lodged or secured in any such warehouse or warehouses.

XIV. *And whereas by an act of parliament made in the ninth and tenth year of the reign of King William the Third, intituled, An act for granting to his Majesty a further subsidy of tonnage and poundage, towards raising the yearly sum of seven hundred thousand pounds, for the service of his Majesty's household, and other uses therein mentioned, during his Majesty's life; and by several subsequent acts of parliament which are now in force, several bounties or drawbacks, amounting in the whole to twelve shillings per hundred weight, are allowed upon the exportation of sugar refined in this kingdom: now to prevent any frauds that may be practised to the great prejudice of the revenue of the customs by the exportation of sugars not completely refined, and sugars made from scum, and other trash and refuse of sugar houses, under the denomination of refined sugar, in order to obtain the bounties or drawbacks herein before-mentioned; be it enacted by the authority aforesaid, That from and after the first day of June, one thousand seven hundred and sixty five, the several bounties or drawbacks allowed by the said acts upon refined sugars, shall cease, determine and be no longer paid; and in lieu and instead thereof, a bounty of fourteen shillings and six pence per hundred weight shall be allowed and paid upon refined sugar exported from Great Britain in the loaf compleat and whole, being net, that is to say, of one uniform whiteness throughout, and which hath gone through the operation of two or more clays since it was last in the pan, and hath been properly and thoroughly dried in the stove, according to the present practice of refining; any law, custom or usage, to the contrary notwithstanding.*

XV. *Provided nevertheless, That if any of the said refined sugars, being either in small or great loaves, commonly called Lumps, shall have gone through the operation of three clays, at the least, since they were last in the pan, and shall be net, and shall have been thoroughly dried in the stove in the manner herein before directed, though such loaves be exported without the small ends or tips, they shall be esteemed compleat and whole within the true intent and meaning of this act, and the exporter of the same shall receive the drawback or bounty accordingly.*

XVI. *And be it further enacted by the authority aforesaid, That from and after the said first day of June, one thousand seven hundred and sixty five, in lieu of all bounties and drawbacks which may have been allowed or paid, heretofore, on all refined sugar called Bastards, and Ground Sugar, and on refined sugar called Candy, there shall be allowed and paid on the export-*

por-

portation from *Great Britain* of all refined sugar called *Bastard*, and of all ground or powdered refined sugar, and of all refined loaf sugar broke in pieces (the said sugar having been twice clayed and properly dried in the stove) and on all candy properly refined and manufactured, and free from dirt and scum, a bounty or drawback of six shillings and four pence *per* hundred weight, and no more; which said several bounties or drawbacks of fourteen shillings and six pence, and six shillings and four pence, herein before granted, shall be paid and allowed out of any of the duties on which the former drawbacks or bounties on refined sugars were payable.

XVII. And it is hereby further enacted by the authority aforesaid, That if the proper officers of the customs shall, upon view and examination, either before or after shipping, find any sugar or candy which shall be entered for exportation, in order to obtain the bounties or drawbacks thereon, to be less in quantity than expressed in the exporter's indorsement, or entered under a wrong denomination; or if such sugars shall not be respectively refined in the manner before directed; or if such candy shall not be properly refined and manufactured, and free from dirt and scum, all such sugar or candy shall be forfeited, and shall and may be seized by any officer or officers of the customs, and prosecuted according to law.

XVIII. And be it further enacted by the authority aforesaid, That before any drawback or bounty is paid for any of the sugars or candy herein before mentioned, or any debenture made out for the same, the refiner or refiners, not being the exporter or exporters of such sugar or candy, shall make oath before the collector or other proper officer of the customs, that he or they sold such sugars or candy, expressing the quantity, and the time when, to the person or persons intending to export the same; and that such sugars have respectively gone through the operations herein before expressed, and have been properly and thoroughly dried in the stoves, or that such candy has been properly refined and manufactured according to the true intent and meaning of this act; and, as he or they verily believe, such sugar or candy was produced from *Muscovado* sugar imported from his Majesty's plantations in *America*; and that the several duties payable thereon were duly paid at the time of importing the same; and the exporter or exporters of such sugars or candy, shall then make oath that such sugars or candy, being the sugars or candy for which such bounty or drawback is then claimed, are the identical sugars or candy, or part thereof, which were sold to him as aforesaid by such refiner or refiners; and before the money due upon such debenture or debentures shall be paid, such exporter or exporters shall also make oath that the said sugars or candy have been duly exported, his Majesty's searcher also certifying the shipping thereof, and all other requisites duly performed according to the book of rates; and whenever the refiner or refiners of such sugar or candy shall be the exporter or exporters thereof, he or they shall then make oath, as well

a drawback is allowed of 6s. 4d. per c. wt. on all such as shall be duly refined.

Sugars fraudulently entered for exportation, in order to obtain the bounty,

may be seized, and are forfeited.

Before the debenture is made out, refiner to make oath of the sale of such sugars to the exporter, and of the quantity and quality thereof,

and that the same was produced from *Muscovado* sugar of the British plantations; and the duties paid.

Exporter also to make oath of the identity of such sugars, and of the due exportation thereof.

Refiner, being the exporter, to make like oath.

of the due exportation of the same, as of the several particulars herein before directed to be sworn to by him or them (excepting what relates to the sale of the said sugars or candy) according to the true intent and meaning of this act.

Clause in act
4 Geo. 3.

XIX. And whereas by an act made in the last session of parliament, intituled, *An act for granting for a limited time, a liberty to carry rice from his Majesty's provinces of South Carolina and Georgia, directly to any part of America to the southward of the said provinces, subject to the like duty as is now paid, on the exportation of rice, from the said colonies to places in Europe situate to the southward of Cape Finisterre*, which was to be in force for five years, from the twenty fourth day of *June*, one thousand seven hundred and sixty four, and from thence to the end of the next session of parliament, liberty is granted to any of his Majesty's subjects in any ship or vessel built in *Great Britain*, or in his Majesty's colonies in *America*, or belonging to any of his Majesty's subjects, and navigated according to law, that shall clear outwards in any port of the said provinces of *South Carolina* or *Georgia*, to ship or load rice in the said provinces, and to carry the same directly to any part of *America* southward of *South Carolina* or *Georgia*, without carrying the same to any other of his Majesty's plantations in *America*, or to *Great Britain*; under certain limitations, restrictions, and penalties, therein contained; and whereas the granting the like liberty to export rice, in the same manner, from his Majesty's colony of *North Carolina*, to any place in *America* southward of *South Carolina* or *Georgia*, may be of great benefit to the said colony of *North Carolina*; be it therefore further enacted by the authority aforesaid, That from and after the fifth day of *July*, one thousand seven hundred and sixty five, it shall and may be lawful, during the continuance of the said recited act, for any of his Majesty's subjects, in any ship or vessel built in *Great Britain*, or in his Majesty's colonies in *America*, or belonging to any of his Majesty's subjects, and navigated according to law, that shall clear outwards in any part of the said province of *North Carolina*, to ship or load rice in the said province, and to carry the same directly to any parts of *America* southward of *South Carolina* and *Georgia*, without carrying the same to any other of his Majesty's plantations in *America*, or to *Great Britain*, under the like entries, securities, restrictions, regulations, limitations, duties, penalties, and forfeitures, as are particularly directed, appointed, limited, or enacted, with respect to rice carried from *South Carolina* and *Georgia*, to any part of *America* to the southward of *South Carolina* or *Georgia*, in the said in part recited act of the last session of parliament, as fully and effectually, to all intents and purposes, as if the several clauses, powers, directions, penalties, and forfeitures, relating thereto, were particularly repeated and again enacted in the body of this present act.

Liberty given
to export rice
from North
Carolina, in
the same man-
ner as rice
may be ex-
ported, under
the recited
act, from
South Caroli-
na and
Georgia.

Duties pay-
able upon the

XX. And be it further enacted by the authority aforesaid, That all duties which shall arise in respect of rice so carried from *North Carolina*, and the duties which, from and after the said fifth

fifth day of *July*, one thousand seven hundred and sixty five, shall arise in respect of rice carried from *South Carolina* and *Georgia*, in pursuance of the said last recited act, be paid into the receipt of his Majesty's exchequer, and there reserved, to be, from time to time, disposed of by parliament towards further defraying the necessary expences of defending, protecting, and securing, the *British* colonies and plantations in *America*.

exportation of rice from the said colonies to be paid into the exchequer, and reserved for the disposition of parliament.

XXI. And whereas, by several laws now in force, rice of the growth or produce of his Majesty's colonies or plantations in *America* is, upon importation into, and being landed in *Great Britain*, subject and liable to various duties, all which (except the half of the old subsidy) are drawn back upon exportation: and whereas such rice is frequently imported into the ports of *Plymouth*, *Exeter*, *Poole*, *Southampton*, *Chichester*, *Sandwich*, and *Glasgow*, and the members thereunto belonging, for no other purpose but to be directly exported into foreign parts; and the obliging the importers to pay down the full duties in such cases, hath laid them under difficulties, and may be prejudicial to the trade of this kingdom; to remedy which for the future, and in order to give all fitting encouragement to this trade, be it enacted by the authority aforesaid, That from and after the first day of *June*, one thousand seven hundred and sixty five, where any ship or vessel shall arrive at any of the ports or places before-mentioned, from any of the *British* plantations in *America*, with rice of the growth and production of such *British* plantation, and the importer of such rice shall give notice to the collector and comptroller of the respective ports or places before-mentioned, wherein such ships shall arrive, of his intention to export the whole cargo of such rice immediately, in the same ship, to foreign parts, and the master of such ship shall so report his cargo accordingly; that then, and in such case, it shall and may be lawful for the importer to pay down, in ready money, one half of the old subsidy, granted by the act of tonnage and poundage, passed in the twelfth year of the reign of King *Charles the Second*, and no more; which shall not afterwards be drawn back or repaid on exportation of the same goods; and the importer of such rice shall and may give bond, with one or more sufficient securities, to his Majesty, his heirs, and successors, in double value of the rice so imported, for the payment of the remaining duties within sixty days from the date of such bond, for all such rice as shall be landed out of any ship so entered and reported; which bond shall and may be vacated and discharged upon payment of the said remaining duties within the time before limited and appointed, or upon the said rice being duly reshipped and exported; any law, custom, or usage, to the contrary notwithstanding.

Where vessels shall arrive with rice from the *British* plantations, in *America*, at any of the above ports,

and the whole cargo is to be immediately re-exported, the importer may pay down but one half of the old subsidy,

and give bond for the remaining duties on such as shall be landed.

XXII. And whereas by an act made in the last session of parliament, intituled, *An act for granting certain duties in the British colonies and plantations in America; for continuing, amending, and making perpetual, an act passed in the sixth year of the reign of his late majesty King George the Second* (intituled, *An act for the better*

Clause in act 4 Geo. 3.

securing and encouraging the trade of his Majesty's sugar colonies in America;) for applying the produce of such duties, and of the duties to arise by virtue of the said act, towards defraying the expences of defending, protecting, and securing, the said colonies and plantations; for explaining an act made in the twenty fifth year of the reign of King Charles the Second, (intituled, An act for the encouragement of the Greenland and Eastland trades, and for the better securing the plantation trade); and for altering and disallowing several drawbacks on exports from this kingdom, and more effectually preventing the clandestine conveyance of goods to and from the said colonies and plantations, and improving and securing the trade between the same and Great Britain; it is, amongst other things enacted, that from and after the twenty ninth day of September, one thousand seven hundred and sixty four, no iron, nor any sort of wood, commonly called *Lumber*, as specified in an act passed in the eighth year of the reign of King George the First, intituled,

Act 8 Geo. 1. ed, *An act for giving further encouragement for the importation of naval stores, and for other purposes therein mentioned, of the growth, production, or manufacture, of any British colony or plantation in America, shall be there laden on board any ship or vessel to be carried from thence, until sufficient bond shall be given, with one surety besides the master of the vessel, to the collector or other principal officer of the customs at the loading port, in a penalty of double the value of the goods, with condition, that the said goods shall not be landed in any part of Europe, except Great Britain, and to bring certificates in discharge thereof within the respective times, and in the manner directed by the said act: and whereas it may be expedient to extend the importation of such iron to Ireland, and also to extend the importation of such wood, commonly called *Lumber*, to Ireland, and to the *Madeiras* and the western islands called the *Azores*, and any part of *Europe* to the southward of *Cape Finisterre*; be it therefore enacted by the authority aforesaid, That from and after the fifth day of July one thousand seven hundred and sixty five, any iron, being the production or manufacture of any British colony or plantation in *America*, shall and may be there laden on board any ship or vessel to be carried from thence to *Ireland*; and also that any wood commonly called *Lumber*, as specified in the said act of the eighth year of the reign of his late majesty King George the First, of the growth or production of any British colony or plantation in *America*, shall and may, in like manner, be there laden on board any ship or vessel to be carried from thence to *Ireland*, or to the *Madeiras*, or the western isles called *The Azores*, or to any part of *Europe* to the southward of *Cape Finisterre*, upon sufficient bond being given in the penalty and in the manner directed by the said act made in the last session of parliament, with condition, that the said goods shall be there landed accordingly, and not in any other part of *Europe*, except *Great Britain*; and that certificates under the hands and seals of the collector or other principal officer of the customs resident at the port or place where such goods shall be landed in *Ireland*, testifying the landing thereof, shall be produced to the*

Importation of British American iron extended to Ireland; and of lumber, to Ireland, the *Madeiras*, *Azores*, or to any part of *Europe* south of *Cape Finisterre*, upon giving bond.

collector or other principal officer where bond shall have been given, within eighteen months from the date of such bond; and that for such of the said goods as shall be entered for, and landed at, the *Madeiras*, or the western isles called *The Azores*, or any part of *Europe* to the southward of *Cape Finisferre*, the like certificate shall be produced within the same time to the officers before mentioned, under the common seal of the chief magistrate, or under the hand and seal of the *British* consul, or hands and seals of two known *British* merchants residing where such goods shall be landed; and upon the producing of such certificate or proof upon oath being made by two credible persons, that the said goods were taken by enemies, or perished in the seas, the said bond shall be discharged; any thing in the said recited act to the contrary notwithstanding.

XXIII. And whereas by an act made in the twenty third year of the reign of his late majesty King George the Second, intituled, *An act to encourage the importation of pig and bar iron from his Majesty's colonies in America, and to prevent the erection of any mill, or other engine, for sitting or rolling of iron, or any plateing forge to work with a tilt hammer, or any furnace for making steel in any of the said colonies*; it is, amongst other things, enacted, That no bar iron made in his Majesty's colonies in *America*, which should be imported from thence into the port of *London* free of duty, as by the said recited act was permitted, should be afterwards exported or carried coastwise to be landed at any other port or place of *Great Britain*, except for the use of his Majesty's dock yards, under the penalties and forfeitures in the said recited act mentioned: and whereas by another act made in the thirtieth year of the reign of his said late majesty King George the Second, intituled, *An act to extend the liberty granted by an act of the twenty third year of the reign of his present Majesty, of importing bar iron from his Majesty's colonies in America into the port of London, to the rest of the ports of Great Britain, and for repealing certain clauses in the said act*; such bar iron may now be imported from the said *British* colonies in *America* into all the ports in *Great Britain* free of duty; and it will be to the advantage of the said colonies, as well as to the trade of this kingdom, if such bar iron was allowed to be exported from *Great Britain*, or carried coastwise therein; be it therefore enacted by the authority aforesaid, That from and after the first day of *June*, one thousand seven hundred and sixty five, the said clause in the before recited act of the twenty third year of his late Majesty, prohibiting the exportation of such bar iron, or carrying the same coastwise in *Great Britain*, shall be, and the same is hereby declared to be, repealed.

Clause in act
23 Geo. 2.

and in act 30
Geo. 2.

Repeal of
clause in the
recited act of
23 Geo. 2.
prohibiting
the exportation
of iron,
or carrying
the same
coastwise,

XXIV. And whereas the masters of several ships or vessels sailing from the *British American* colonies or plantations, have cleared out from thence in ballast, without taking any goods on board there, purposely to evade giving bond, as directed by the before recited act made in the last session of parliament, with condition, that in case any molasses or syrups, being the produce

Vessels sailing from the British American plantations are to give bond, whether any goods shall be laden on board, or not;

on penalty of being forfeited.

duce of any of the plantations not under the dominion of his Majesty, his heirs, or successors, shall be laden on board such ship or vessel, the same shall (the danger of the seas and enemies excepted) be brought, without fraud or wilful diminution, by the said ship or vessel, to some of his Majesty's colonies or plantations in *America*, or to some port in *Great Britain*; and the said act may, by such practices, be rendered ineffectual to answer the purposes thereby intended; for remedy whereof, be it further enacted by the authority aforesaid, That from and after the tenth day of *October*, one thousand seven hundred and sixty five, the said bond, with the condition in the said recited act mentioned, shall be given for every ship or vessel that shall set sail from any *British* colony or plantation in *America*, whether any goods shall be there laden on board any such ship or vessel, or not; and if any ship or vessel, not having taken any goods on board as aforesaid, shall set sail, or proceed from any *British* colony or plantation in *America*, before such bond shall be given, such ship or vessel, with her furniture, shall be forfeited, and shall and may be seized and prosecuted in the manner directed by the said recited act of parliament; any thing therein contained to the contrary notwithstanding.

XXV. And whereas in and by the said recited act made in the last session of parliament, it is, amongst other things enacted, That a sufferance and cocket shall be taken from the officers of the customs for all goods, wares, and merchandizes, of any kind whatsoever, which shall be laden on board any ship or vessel in any *British* colony or plantation in *America*, to be carried from thence to any other colony or plantation, as in the said act is expressed: and whereas the requiring such sufferances and cockets for goods of the growth or produce of the said colonies, which are not liable to any duty by any act of parliament made in *Great Britain*, nor prohibited to be carried from the said colonies, may lay an unnecessary restraint upon the trade and correspondence of his Majesty's *American* subjects, when such goods are carried merely for the use and sustenance of the said colonies, in boats or small vessels without decks which do not go to open sea; for the ease therefore of his Majesty's *American* subjects in this particular, be it enacted, That from and after the fifth day of *July*, one thousand seven hundred and sixty five, the said recited act shall not extend, nor be construed to extend, to require any person to take out any sufferance or cocket for any goods of the growth, product, or manufacture, of the *British* colonies or plantations in *America*, which are not, by any act of parliament made in *Great Britain* liable to any duty either upon the importation into, or the exportation from, the said colonies or plantations, nor are prohibited to be exported from thence, which shall be laden in any boat, flat, shallop, or other vessel without a deck, not exceeding twenty tons burthen, and shall be carried within any river, lake, or other inland waters, within the said colonies or plantations, and shall not be carried

Boats or small vessels without decks, carrying goods of the product or manufacture of the said colonies, not liable to duties, nor prohibited to be exported, are not obliged to take out a cocket.

carried out to sea farther than one league from the shore; any thing in the said recited act to the contrary notwithstanding.

XXVI. And whereas by the said last recited act, made in the last session of parliament, one moiety of all seizures which shall be made at sea by the commanders or officers of his Majesty's ships or vessels of war, duly authorized to make seizures, and of the penalties and forfeitures recovered thereon, in any of his Majesty's colonies or plantations in *America*, first deducting the charges of prosecutions from the gross produce thereof, is to be paid to him or them who shall seize, inform, or sue for the same; subject to such distribution as his Majesty, his heirs, and successors, shall think fit to order and direct, by any order or orders of council, or by proclamation or proclamations, to be made for that purpose, as in and by the said recited act may more fully appear: now to obviate any doubts that have arisen, or may arise, concerning the construction of the words *seizures made at sea*; it is hereby further enacted and declared by the au-

Construction of the words *Seizures made at Sea*, in the recited act of 4 Geo. 3.

XXVII. And, in order to prevent any disputes concerning what fees the officers of his Majesty's customs in the *British* colonies or plantations in *America* may be intitled to, for making entries, or other business done by them in the execution of their employments; be it further enacted by the authority aforesaid, That until such time as the same shall be otherwise settled by authority of parliament, it shall and may be lawful for all and every collector, and other officer of his Majesty's customs, in any *British* colony or plantation in *America*, appointed by any deputation or commission from the commissioners of his Majesty's customs in *England*, to demand and receive such fees as they and their predecessors were intitled to demand and receive, on and before the twenty ninth day of *September*, one thousand seven hundred and sixty four; provided the fees so taken are not contrary to the express direction of any act of parliament made in *Great Britain*; and in all and every port or place in any *British* island in the *West Indies*, where no fees have been received as aforesaid by any officer of the customs, such officer shall, from and after the said fifth day of *July*, one thousand seven hundred and sixty five, be intitled to the same fees as have been received as aforesaid by the like officers, in the nearest port in the said island, before the said twenty ninth day of *September*, one thousand seven hundred and sixty four; and if no fees have been received as aforesaid by any officer in any port in the said island, such officer shall, from and after the said fifth day of *July*, one thousand seven hundred and sixty five, be intitled to such fees as have been received by the like officers in the

Regulations with respect to fees payable to the officers of his Majesty's customs in the *British* American plantations, until the same shall be otherwise settled by parliament;

viz. in the islands;

Vessels failing from the British American plantations are to give bond, whether any goods shall be laden on board, or not;

on penalty of being forfeited.

duce of any of the plantations not under the dominion of his Majesty, his heirs, or successors, shall be laden on board such ship or vessel, the same shall (the danger of the seas and enemies excepted) be brought, without fraud or wilful diminution, by the said ship or vessel, to some of his Majesty's colonies or plantations in *America*, or to some port in *Great Britain*; and the said act may, by such practices, be rendered ineffectual to answer the purposes thereby intended; for remedy whereof, be it further enacted by the authority aforesaid, That from and after the tenth day of *October*, one thousand seven hundred and sixty five, the said bond, with the condition in the said recited act mentioned, shall be given for every ship or vessel that shall set sail from any *British* colony or plantation in *America*, whether any goods shall be there laden on board any such ship or vessel, or not; and if any ship or vessel, not having taken any goods on board as aforesaid, shall set sail, or proceed from any *British* colony or plantation in *America*, before such bond shall be given, such ship or vessel, with her furniture, shall be forfeited, and shall and may be seized and prosecuted in the manner directed by the said recited act of parliament; any thing therein contained to the contrary notwithstanding.

XXV. And whereas in and by the said recited act made in the last session of parliament, it is, amongst other things enacted, That a sufferance and cocket shall be taken from the officers of the customs for all goods, wares, and merchandizes, of any kind whatsoever, which shall be laden on board any ship or vessel in any *British* colony or plantation in *America*, to be carried from thence to any other colony or plantation, as in the said act is expressed: and whereas the requiring such sufferances and cockets for goods of the growth or produce of the said colonies, which are not liable to any duty by any act of parliament made in *Great Britain*, nor prohibited to be carried from the said colonies, may lay an unnecessary restraint upon the trade and correspondence of his Majesty's *American* subjects, when such goods are carried merely for the use and sustenance of the said colonies, in boats or small vessels without decks which do not go to open sea; for the ease therefore of his Majesty's *American* subjects in this particular, be it enacted, That from and after the fifth day of *July*, one thousand seven hundred and sixty five, the said recited act shall not extend, nor be construed to extend, to require any person to take out any sufferance or cocket for any goods of the growth, product, or manufacture, of the *British* colonies or plantations in *America*, which are not, by any act of parliament made in *Great Britain* liable to any duty either upon the importation into, or the exportation from, the said colonies or plantations, nor are prohibited to be exported from thence, which shall be laden in any boat, flat, shallop, or other vessel without a deck, not exceeding twenty tons burthen, and shall be carried within any river, lake, or other inland waters, within the said colonies or plantations, and shall not be carried

Boats or small vessels without decks, carrying goods of the product or manufacture of the said colonies, not liable to duties, nor prohibited to be exported, are not obliged to take out a cocket.

carried out to sea farther than one league from the shore; any thing in the said recited act to the contrary notwithstanding.

XXVI. And whereas by the said last recited act, made in the last session of parliament, one moiety of all seizures which shall be made at sea by the commanders or officers of his Majesty's ships or vessels of war, duly authorized to make seizures, and of the penalties and forfeitures recovered thereon, in any of his Majesty's colonies or plantations in *America*, first deducting the charges of prosecutions from the gross produce thereof, is to be paid to him or them who shall seize, inform, or sue for the same; subject to such distribution as his Majesty, his heirs, and successors, shall think fit to order and direct, by any order or orders of council, or by proclamation or proclamations, to be made for that purpose, as in and by the said recited act may more fully appear: now to obviate any doubts that have arisen, or may arise, concerning the construction of the words *seizures made at sea*; it is hereby further enacted and declared by the authority aforesaid, That the said words, *seizures made at sea*, in the said recited act of parliament, shall extend, and be construed to extend, to all seizures made by the commanders or officers of his Majesty's ships or vessels of war, duly authorized for that purpose, any where at sea, or in or upon any river, and which shall not be actually made on shore within any *British* colony or plantation in *America*.

Construction of the words *Seizures made at Sea*, in the recited act of 4 Geo. 3.

XXVII. And, in order to prevent any disputes concerning what fees the officers of his Majesty's customs in the *British* colonies or plantations in *America* may be intitled to, for making entries, or other business done by them in the execution of their employments; be it further enacted by the authority aforesaid, That until such time as the same shall be otherwise settled by authority of parliament, it shall and may be lawful for all and every collector, and other officer of his Majesty's customs, in any *British* colony or plantation in *America*, appointed by any deputation or commission from the commissioners of his Majesty's customs in *England*, to demand and receive such fees as they and their predecessors were intitled to demand and receive, on and before the twenty ninth day of *September*, one thousand seven hundred and sixty four; provided the fees so taken are not contrary to the express direction of any act of parliament made in *Great Britain*; and in all and every port or place in any *British* island in the *West Indies*, where no fees have been received as aforesaid by any officer of the customs, such officer shall, from and after the said fifth day of *July*, one thousand seven hundred and sixty five, be intitled to the same fees as have been received as aforesaid by the like officers, in the nearest port in the said island, before the said twenty ninth day of *September*, one thousand seven hundred and sixty four; and if no fees have been received as aforesaid by any officer in any port in the said island, such officer shall, from and after the said fifth day of *July*, one thousand seven hundred and sixty five, be intitled to such fees as have been received by the like officers in the

Regulations with respect to fees payable to the officers of his Majesty's customs in the *British* American plantations, until the same shall be otherwise settled by parliament;

viz. in the islands;

and on the
continent.

Comptrollers
fees to be
one third as
much as the
collector of
the customs.

Remedy for
recovering of
the said fees.

Penalty of ex-
acting greater
fees.

the island of *Barbadoes*, before the said twenty ninth day of *September*, one thousand seven hundred and sixty four; and in all and every port or place on the continent of *America*, within his Majesty's dominions, where no fees have been received as aforesaid by any officer of the customs, such officers shall, from and after the said fifth day of *July*, one thousand seven hundred and sixty five, be intitled to the same fees as have been received as aforesaid by the like officers, in the nearest port in the said colony or plantation, on or before the said twenty ninth day of *September*, one thousand seven hundred and sixty four; and if no fees have been received as aforesaid by any officer in any port in such colony or plantation, such officers shall, from and after the fifth day of *July*, one thousand seven hundred and sixty five, be intitled to such fees as have been received by the like officers in the nearest port within any *British* colony or plantation on or before the said twenty ninth day of *September*, one thousand seven hundred and sixty four; and if no fees have been received by any comptroller of his Majesty's customs for any port or place within any colony or plantation, or if the fees received by such comptroller before the said twenty ninth day of *September*, one thousand seven hundred and sixty four, have not been equal to one third part of the fees received as aforesaid by the collector of his Majesty's customs within the same port or place; it shall, from and after the said fifth day of *July*, one thousand seven hundred and sixty five, in every such case, be lawful for such comptroller of his Majesty's customs, to demand and receive for his fees, for any entry or other business done by him in the execution of his employment, from any merchant or other person, a sum equal to one third part of the fees received as aforesaid by such collector for the like business; and every such officer shall have and be entitled to the same remedy for recovery of such fees, as is or has been heretofore allowed to any collector or other officer; any law, bye-law, or other act of assembly made in the said plantations, to the contrary notwithstanding; and if any collector, comptroller, or other officer of his Majesty's customs in *America*, appointed as aforesaid, shall exact, require, or receive, any other or greater fees than such as are herein before allowed to be taken, he shall, for the first offence, forfeit the sum of fifty pounds; one moiety of which penalty shall be to his Majesty, his heirs and successors, and the other moiety to the person or persons aggrieved thereby, who shall sue for the same in the proper court in such colony or plantation; and for the second offence, he shall forfeit his place, and be for ever after incapable of executing any office or employment in the customs.

CAP. XLVI.

An act for altering the stamp duties upon admissions into corporations or companies ; and for further securing and improving the stamp duties in Great Britain.

WHEREAS great frauds are committed in the several duties of one shilling respectively imposed (among other duties) on admissions into corporations and companies, by an act of parliament made in the fifth and sixth years of the reign of their late Majesties King William and Queen Mary, intituled, *An act for granting to their Majesties several duties upon vellum, parchment, and paper, for four years, towards carrying on the war against France ;* and by another act of parliament made in the ninth and tenth years of the reign of his said late Majesty King William the Third, intituled, *An act for granting to his Majesty, his heirs, and successors, further duties upon stamp vellum, parchment, and paper ;* owing to the said duties being charged on the admissions, and not on the entries, minutes, or memorandums, made of such admissions in the court books, rolls, or records, of such corporations or companies : your Majesty's most dutiful and loyal subjects the commons of Great Britain in parliament assembled, do therefore beseech your Majesty, that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the fifth day of July, one thousand seven hundred and sixty five, the several duties upon admissions into corporations and companies, granted by the said acts, shall cease and determine.

II. And be it further enacted by the authority aforesaid, That from and after the said fifth day of July, one thousand seven hundred and sixty five, in lieu thereof, the duty herein after mentioned, be charged, imposed, and paid, throughout the kingdom of England, dominion of Wales, and town of Berwick upon Tweed ; that is to say,

For and upon every skin or piece of vellum or parchment, and for every sheet or piece of paper, upon which shall be ingrossed, written, or printed, in the court book, roll, or record of any corporation or company, any entry, minute, or memorandum, of any admission into any corporation or company, the sum of two shillings.

And if any town clerk, or other proper officer, shall neglect or refuse to make such entry, or minute, or memorandum, of such admission, upon the proper duty, in the court book, or on the roll or record of any such corporation or company, within one month after any person shall be admitted into same, he shall, for every such offence forfeit the sum of ten pounds.

III. And whereas it has been a common practice to make one policy

Preamble.

Act 5 and 6 Will. and Mary,

and 9 and 10 Will. 3.

From and after 5 July, 1765, the duties upon admissions into corporations, granted by the recited acts, are to cease ; and the following duties to take place in lieu thereof ; viz.

Upon entry in the court book, of every such admission, ss.

entry, forfeits 10l.

No stamps to be delivered out for pamphlets or news papers, till security be given for the duties for the advertisements to be printed thereon.

Card makers to send paper to the stamp office, in order to have a sufficient number of aces of spades marked.

one of which is to be put in each pack,

and a new stamp is to be made for the purpose,

with a distinguishing mark between cards for home, and cards for foreign consumption ;

and they are also to send to the office wrappers for inclosing the cards, with their names &c. printed thereon.

which are to be stamped with one of

and for enlarging the time for filing affidavits of the execution of contracts of clerks to attornies and solicitors; and also the time for payment of the duties omitted to be paid for the indentures and contracts of clerks and apprentices; the printers and publishers only, and not the proprietors, of news papers, and other papers and pamphlets, are made subject and liable to the duties imposed on advertisements, whereby great losses happen to the revenue; be it therefore further enacted by the authority aforesaid, That from and after the said fifth day of *July*, one thousand seven hundred and sixty five, neither the commissioners of the stamp duties, nor any officer to be appointed by them for distributing stamped vellum, parchment or paper, shall sell or deliver any stamped paper for printing any pamphlet, or any publick news, intelligence or occurrences, to be contained in any one sheet, or any lesser piece of paper, unless the person applying for the same shall first give security to his Majesty for the payment of the duties for the advertisements which shall be printed therein or thereupon.

IX. And whereas great frauds and abuses are committed in the duties imposed, by several acts of parliament, on playing cards in *Great Britain*; for preventing whereof, be it further enacted by the authority aforesaid, That from and after the said fifth day of *July*, one thousand seven hundred and sixty five, every maker of playing cards in *Great Britain*, shall send to the commissioners for the stamp duties on vellum, parchment, and paper, or to their officers, a sufficient quantity of paper, in order to have as many several aces of spades marked or impressed thereon as such maker shall desire; and that no pack of playing cards made for play in *Great Britain*, or for exportation, shall be used in play, or exported, without one of such aces of spades marked or impressed, as herein after is mentioned and directed; and that the said commissioners for the stamp duties shall, instead of the present mark or stamp impressed on the ace of spades cause a new stamp, mark, or plate, to be prepared, with such device as they shall think proper, to denote the said ace of spades as well in every pack of cards made for use or play in *Great Britain*, as in every pack of cards made for exportation, so as that in such device there shall be some distinguishing mark between cards for home, and cards for foreign consumption; and that the said commissioners shall, from time to time, renew, alter, or add to, such device as they shall think proper.

X. And be it further enacted by the authority aforesaid, That every maker of cards shall, from and after the said fifth day of *July*, one thousand seven hundred and sixty five, send to the said commissioners of the stamps, or their officers, jews or wrappers made for inclosing cards for use or play in *Great Britain*, with his name, and any other particular word or thing printed thereon, as the said commissioners shall direct, in order that the same may be stamped, and delivered again, from time to time, to such maker, as occasion shall require; and that from and after the said fifth day of *July*, one thousand seven hundred and sixty five, the said commissioners of the stamp duties shall and

and may denote one of the six penny duties charged on playing the six penny duties charged on cards: *in Great Britain* on such jew or wrapper. And separate accounts are to be kept with each card maker, of the cards made in *Great Britain*, and of those made for exportation; the charges for home, and in which said several accounts shall be made out against him of those for exportation;

XI. And be it further declared and enacted by the authority afore- And separate accounts are to be kept with each card maker, of the cards made in *Great Britain*, and of those made for exportation; the charges for home, and in which said several accounts shall be made out against him of those for exportation; delivered; and every such card maker shall, once in every twenty which are to eight days, attend at the stamp office, or on the distributor of be settled once stamps next adjacent to the place where he shall make cards, and a month, adjust, settle, and sign the same; and in case any difference shall arise in settling such accounts, then such card maker shall immediately, or within one week after, if he carries on his trade within ten miles of *London*; and, if at a greater distance, then and any difference arising thereupon, is to be settled by the commissioners. within twenty days, apply to the said commissioners of the said duties to settle the same, whose determination shall be final; and if any such card maker shall neglect or refuse to apply as afore- then such accounts, whether signed or not by him, shall be deemed conclusive, and be admitted in evidence against him.

XII. And be it further enacted by the authority afore- That in case any pack of playing cards, or part of any pack of playing cards, shall be damaged, defaced, or spoiled, in making the same, so as to be rendered unfit for play; then, on oath made thereof by the maker (which oath the said commissioners of the stamp duties, or any three of them, are hereby impow- Where cards shall be spoiled in the making, the commissioners are to allow another ace of spades for the damaged one. ered to administer) such maker shall be allowed by such commissioners another ace of spades, instead of the ace so damaged, defaced, or spoiled, with any such pack, or part of any such pack, of playing cards, on producing and delivering to the said commissioners such damaged, defaced, or spoiled ace.

XIII. And be it further enacted by the authority afore- That if any maker of cards shall use, in the making up any pack of cards, any ace of spades, jew, or wrapper, that has been used before; then every such card maker shall, for every such offence, forfeit the sum of twenty pounds. Maker making up any ace of spades, or jew, used before forfeits 20 l.

XIV. And be it also enacted by the authority afore- That if any person shall, from and after the passing of this act, sell or buy any such ace of spades, jew, or wrapper, in order to be made use of in, about, or for the inclosing, any pack or parcel of cards; every person so offending shall, for every such offence, forfeit the sum of twenty pounds. and the seller or buyer of any such ace of spades, or jew, in order to be so made use of, forfeits also 20 l.

XV. Provided always, and be it enacted by the authority afore- That if either the buyer or seller of any such ace of spades, jew, or wrapper, shall inform against the other party concerned in buying or selling such ace of spades, jew, or wrapper; the party so informing shall be admitted to give evidence, evidence, but either party informing, shall be admitted to give evidence,

and be indemnified against the party informed against, and shall be indemnified against the penalties so by him or her incurred.

Penalty on fraudulently re-landing cards for exportation,

is 50 l.

and any of the parties informing shall be admitted to give evidence, and be indemnified.

Clause in act 9 Anne.

Where the freedom of any city or company is obtained by servitude, the chamberlain, or other proper officer, is to enter the names of all persons put out clerks, apprentices,

XVI. And be it further enacted by the authority aforesaid, That if any person whatsoever shall re-land, or cause or procure to be re-landed, any parcel of cards, after the same shall be entered and shipped for exportation in any port or place, other than the port or place to which such cards are consigned, every such person shall, for every such offence, forfeit the sum of fifty pounds.

XVII. Provided always, and be it enacted by the authority aforesaid, That if any person concerned in the re-landing of such exportation cards, shall inform against any other party concerned, the person so informing shall be admitted to give evidence against the party informed against, and shall be indemnified against the penalties so by him or her incurred.

XVIII. And whereas by an act of parliament made in the ninth year of the reign of her late majesty Queen Anne, intituled, *An act for the laying certain duties upon candles; and certain rates upon monies to be given with clerks and apprentices, towards raising her Majesty's supply for the year one thousand seven hundred and ten*, the duty, rate, or sum of six pence, for every twenty shillings of every sum of fifty pounds or under; and the duty, rate, or sum of one shilling, for every twenty shillings of all and every sum and sums amounting to more than fifty pounds, which should be given, paid, contracted, or agreed for, with, or in relation to, every clerk, apprentice, or servant, which should be, within the kingdom of Great Britain, put or placed to or with any master or mistress, to learn any profession, trade, or employment, and proportionably for greater or lesser sums, was charged and imposed on the said masters or mistresses respectively: and whereas great inconveniencies arise in collecting the said duties, for want of proper entries being made and kept by the chamberlain and other proper officers of cities and corporate towns, and companies, of the names of the master or mistress, and clerk, apprentice, or servant; the place of abode of such master or mistress; the date of the indenture, covenant, articles, or contract; the sum of money given, paid, contracted, or agreed for, and the profession, trade, or employment, which such clerk, apprentice, or servant, is to learn: for remedying whereof, be it further enacted and declared by the authority aforesaid, That from and after the said fifth day of July, one thousand seven hundred and sixty five, every chamberlain and other proper officer of every city and corporate town, and company, within the kingdom of Great Britain, where any clerk or apprentice, or servant, obtains his freedom by servitude, shall fairly write and enter in some book or books to be kept for that purpose, the names of all such clerks, apprentices, and servants, as shall be put or placed out within the jurisdiction of such city or town corporate, and also the names and places of abode of the masters or mistresses, and the sums of money given, paid, contracted, or agreed for, with, or in relation to, such clerks,

Apprentices, or servants, and the profession, trade, or employment, which they are respectively to learn; and the dates of the indentures, covenants, articles, or contracts, by which such clerks, apprentices, or servants, are respectively put and placed out; and if any chamberlain or other proper officer shall neglect or refuse to make any such entry, in manner as above set forth, he shall, for every such offence, forfeit the sum of twenty pounds.

XIX. And be it further declared and enacted by the authority aforesaid, That all printed indentures, covenants, articles, or contracts, for binding clerks or apprentices in Great Britain, after the said fifth day of July one thousand seven hundred and sixty five, shall have the following notice or memorandum printed under the same; *videlicet*,

or servants, with the names and abode of the masters, the apprentice fees, and dates of the indentures, &c. on forfeiture of 20l. and the following notice to be printed under all printed indentures, &c.

The notice.

THE indenture, covenant, article, or contract, must bear date the day it is executed; and what money or other thing is given or contracted for with the clerk or apprentice, must be inserted in words at length; and the duty paid to the stamp office, if in London, or within the weekly bills of mortality, within one month after the execution, and if in the country, and out of the said bills of mortality, within two months, to a distributor of the stamps, or his substitute; otherwise the indenture will be void, the master or mistress forfeit fifty pounds, and another penalty, and the apprentice be disabled to follow his trade, or be made free.

And if any printer, stationer, or other person or persons, shall sell, or cause to be sold, any such indenture, covenant, article, or contract, without such notice or memorandum being printed under the same; then, and in every such case, such printer, stationer, or other person or persons, shall, for every such offence, forfeit the sum of ten pounds.

on forfeiture of 10l.

XX. And whereas by an act of parliament made in the twenty ninth year of the reign of his late majesty King George the Second, intituled, *An act for granting to his Majesty a duty upon licences for retailing beer, ale, and other exciseable liquors; and for establishing a method for granting such licences in Scotland; and for allowing such licences to be granted at a petty session in England, in a certain case therein mentioned*; it is, amongst other things, enacted, That from and after the feast of Easter, one thousand seven hundred and fifty six, there should be, throughout the kingdom of Great Britain, raised, levied, collected, and paid, to his said then Majesty, his heirs, and successors, for the purposes therein mentioned, a duty of twenty shillings for every piece of vellum, or parchment, or sheet or piece of paper, on which should be engrossed, written, or printed, any licence for selling ale or beer, or other exciseable liquors, by retail, over and above all other duties chargeable thereupon: and whereas several provisions are therein and thereby made, for the duly raising, levying, collecting, and paying, the same duty: and whereas it is found, by experience, that the said provisions are not sufficient

Clause in act 29 Geo. 2.

Retailers of beer, and other exciseable liquors, to exhibit, on demand, their licence to the officer appointed by the commissioners for stamps,

and to permit him to take a copy thereof;

on forfeiture of 40s.

Clerks of the peace, town clerks, and common clerks, or their deputies, are to deliver, upon demand, to the officer of the stamp duties, lists of the several persons licensed to retail beer or other exciseable liquors,

for that purpose, in that part of *Great Britain* called *England*, the dominion of *Wales*, and town of *Berwick upon Tweed*; and that, by divers frauds and other ill practices, the crown has been, from time to time, defrauded of a great part of the said duty, and it is rendered difficult to convict the offenders: for remedy whereof, and for the further and better securing the raising, levying, collecting, and paying, of the said duty for the future, and for preventing such frauds and ill practices, and for rendering the conviction of the offenders more easy in that part of *Great Britain* called *England*, the dominion of *Wales*, and town of *Berwick upon Tweed*, be it enacted by the authority aforesaid, That from and after the said fifth day of *July*, one thousand seven hundred and sixty five, every victualler, or alehouse keeper, and every person selling ale, or beer, or other exciseable liquors, by retail; and every person permitting or suffering any ale, or beer, or any other exciseable liquors, to be sold by retail, in his, her, or their house, outhouse, or yard, garden, orchard, or other place, in that part of *Great Britain* called *England*, the dominion of *Wales*, and town of *Berwick upon Tweed*, do and shall, on demand to him or her made by any officer appointed by the commissioners for the time being to manage the duties charged on stamped vellum, parchment, and paper, produce and shew to such officer or officers, so demanding the same, his or her licence to sell ale, or beer, or other exciseable liquors, by retail; and shall permit such officer, at his own expence, to take and have a copy thereof on demand: and in case any such victualler, or alehouse keeper, or other person selling ale, or beer, or other exciseable liquors by retail, or other person or persons so permitting or suffering any ale, beer, or other exciseable liquors, to be sold by retail in his, her, or their house, or outhouse, yard, garden, orchard, or other place as aforesaid; shall refuse or neglect so to do, then every such victualler, or alehouse keeper, or person selling ale, or beer, or other exciseable liquors, by retail; or so permitting or suffering any ale, beer, or other exciseable liquors, to be sold by retail in his, her, or their house, or outhouse, yard, garden, orchard, or other place as aforesaid, shall, for every such offence, forfeit the sum of forty shillings.

XXI. And be it further enacted by the authority aforesaid, That for the better detecting of such frauds and ill practices, and preventing the same for the future, every clerk of the peace of or for each county, riding, or division, in each county in that part of *Great Britain* called *England*, and the dominion of *Wales*, and town of *Berwick upon Tweed*, or his deputy, or person acting as such; and every clerk of the peace, or town clerk, or common clerk, or person acting as such, of or for every city, town, and liberty, in that part of *Great Britain* called *England*, and the dominion of *Wales*, and the town of *Berwick upon Tweed*, where licences to sell ale or beer, or other exciseable liquors, are, pursuant to the said act, to be granted by the justices or magistrates of or for such city, riding, division, town, or liberty, and of the said town of *Berwick upon Tweed*, or his deputy, or person acting as such, do and shall, on demand to him made by any officer of

the stamp duties for that purpose, or within the space of three days next after such demand shall be so made, deliver, or cause to be delivered, to such officer a true list of the names and places of abode of all the victuallers, alehouse keepers, and other persons then licensed to sell ale or beer, or other exciseable liquors, by retail, within every such county, riding, division, city, town, or liberty; and that on the delivery thereof, such officer of the stamp duties shall pay to such clerk of the peace, or his deputy, or person acting as such, or to such town clerk, or common clerk, or his deputy, or person acting as such, for the making out and writing every such list, after the rate of one farthing for every licensed person whose name shall be therein inserted; all which monies so paid shall, from time to time, be allowed to every such officer of the stamp duties in his account; and in case any such clerk of the peace, or his deputy, or person acting as such, or any such town clerk or common clerk, or his deputy, or person acting as such, shall refuse or neglect so to do by the space of three days next after such demand shall be so made, or shall not insert in such list a full, true, and perfect account of the names and places of abode of all the persons the same ought to contain; that then, and in every such case, every person so offending shall, for every such offence, forfeit the sum of five pounds.

he paying for such body 1q. foreach licensed person inserted in such list.

If such list shall be refused, or delayed, or be given in imperfect,

the offender forfeits 5 l.

XXII. And whereas by the laws now in force in that part of Great Britain called *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, persons selling ale or beer, or other exciseable liquors, by retail, without licence, are liable and subject by different laws to different penalties and punishments, which has occasioned much confusion, and an ill and improper use has been made thereof in many instances: for the prevention whereof, be it further enacted by the authority aforesaid, That from and after the fifth day of *July*, one thousand seven hundred and sixty five, every person lawfully convicted of selling ale or beer, or other exciseable liquors, by retail, after that day, in that part of *Great Britain* called *England*, the dominion of *Wales*, or the town of *Berwick upon Tweed*, without being duly licensed so to do, shall, for every such offence, forfeit and undergo the several penalties and punishments herein after mentioned and provided in that behalf, instead and in lieu of the several pecuniary and corporal punishments which they are now liable or subject to by any law now in force; that is to say, for the first offence the sum of forty shillings, and also the costs and expences of convicting such offender; and in case such sum, together with the charges and expences of convicting such offender, shall not be paid within the space of fourteen days next after such conviction, that then the offender shall suffer imprisonment for the space of one month, unless he or she shall sooner pay such penalty, and the costs, charges, and expences of such conviction, and executing the same: and for the second offence, the sum of four pounds, and also the costs and expences of convicting such offender; and in case such sum, together with the charges

Instead of the pecuniary and corporal punishments in which by former acts, on retailers of beer, &c. not being duly licensed,

they are to forfeit, for the first offence, 40s. and costs of conviction; and, on non-payment, are to be committed for one month; for the second offence 4 l. and costs; and, on non-

payment, to be committed for two months;

for the third offence 6 l. and costs, and, on non-payment, to be committed for 3 months; and the like penalty and punishment as the third, for every subsequent offence. The costs are to be settled by the justices; and the penalties to be applied, one moiety to the crown, and the other moiety and costs to the prosecutor.

The justices are authorized to hear and determine the said offences in a summary way.

and expences of convicting such offender the second time, shall not be paid within the space of one week next after such second conviction, that then the offender shall suffer imprisonment for the space of two months, unless he or she shall sooner pay such penalty of four pounds, and the costs, charges, and expences of such second conviction, and executing the same: and for the third offence, the sum of six pounds, and also the costs and expences of convicting such offender; and in case such sum of six pounds, together with the charges and expences of convicting such offender the third time, shall not be paid within the space of three days next after such third conviction, that then the offender shall suffer imprisonment for the space of three months, unless he or she shall sooner pay such penalty of six pounds, and the costs, charges, and expences of such third conviction and executing the same; and the like penalty and punishment for every other offence after the third offence and conviction thereof, as for the said third offence; all which said costs and expences shall be assessed, settled, and ascertained by the justice or justices of the peace before whom such offenders shall respectively be convicted; any law, statute, or custom, to the contrary thereof in any wise notwithstanding: all which penalties and forfeitures shall go and be paid, the one moiety thereof to his Majesty, his heirs and successors, and the other moiety thereof, and also all such costs, charges, and expences, to be assessed or ascertained as aforesaid, to the prosecutor or prosecutors of every such offender or offenders.

XXIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any one or more justice or justices of the peace, for the time being, of the county or place where any of the said offences against this act, or the said former act, shall be committed, to hear and determine the same offences in a summary way; which said justice and justices of the peace are hereby authorized and required, upon any information exhibited, or complaint made, in that behalf, to or before him or them, to summon the party or parties accused, and also the witnesses on either side (if they shall be required to summon any such witnesses) and upon the appearance, or contempt of the party or parties accused by not appearing, to proceed to examine and hear the matter in a summary way; and also to examine such witnesses on oath as shall be produced therein (which oath such justice and justices respectively is or are hereby impowered to give and administer) and to give his or their judgement thereon; and in case he or they shall convict the party or parties so accused or complained against, of the offence laid to his, her, or their charge, and such party or parties shall refuse or neglect to pay the penalty or penalties for which he, she, or they, stand convicted, within the time herein before mentioned for that purpose, together with the costs of such conviction or convictions, to be assessed, settled, and ascertained, as aforesaid; that then, and in every such case, it shall and may be lawful for every such justice and justices, and he and they, and

and each of them, is and are hereby authorized and required to issue his or their warrant or warrants under his or their hand and seal; or hands and seals, for the apprehending and committing to prison every such offender, for such time, and in such manner, as the nature of the offence shall require, according to the true intent and meaning of this act.

XXIV. And be it further enacted by the authority aforesaid, That if any person or persons shall be summoned as a witness or witnesses to give evidence before any such justice or justices of the peace, touching any of the matters aforesaid, either on the part of the prosecutor, or of the person or persons accused, and shall neglect or refuse to appear at the time and place to be for that purpose appointed, without a reasonable excuse for such his, her, or their neglect or refusal, to be allowed of by such justice or justices of the peace; or, appearing, shall refuse to be examined on oath, and give evidence before such justice or justices of the peace before whom the prosecution shall be depending; that then, every such person shall forfeit, for every such offence, the sum of twenty shillings, to be levied and paid in such manner, and by such means, as are herein before directed as to other penalties.

XXV. And be it further enacted, That if any person or persons shall think himself, herself, or themselves, aggrieved by the judgement or conviction of any justice or justices of the peace, for any of the offences aforesaid, and shall give security to the satisfaction of such justice or justices of the peace for the payment of the penalty, costs, and expences, to be expressed in the warrant or warrants of distress on such conviction; that then, and in every such case, after such security given, and not otherwise, it shall and may be lawful to and for such offender and offenders to appeal from and against such conviction or convictions, to the justices of the peace assembled at the next quarter sessions of the peace to be held for such county, riding, division, liberty, city, town, or place, unless such sessions of the peace shall be held within six days or less next after such conviction or convictions shall be so had or made; and in that case to the justices of the peace to be assembled at the next sessions after such sessions, and not afterwards; and that the justices of the peace assembled at such sessions, shall thereupon proceed to hear and determine the matter of every such appeal, and their judgement thereon shall be final and conclusive to all intents and purposes whatsoever; and in case the justices of the peace so assembled at such sessions, shall find and adjudge any such appeal to be frivolous or vexatious, it shall and may be lawful to and for them to give and adjudge to the party or parties grieved by such appeal, his or their reasonable costs and charges occasioned thereby, not exceeding in the whole the sum of five pounds on any one appeal.

XXVI. And, in order to prevent frivolous and vexatious appeals, be it further enacted by the authority aforesaid, That a conviction in the form or to the effect following, *Mutatis mutandis*,

Witnesses being duly summoned, neglecting or refusing to appear (without reasonable cause shewn)

or to give evidence, forfeit 40 s.

Persons aggrieved by the judgement or conviction of a justice, and giving security,

may appeal to the quarter sessions,

who are to hear and determine the matter finally; and if they adjudge the appeal to be frivolous, or vexatious, may award costs, not exceeding 5 l.

Form of conviction.

hereby required, after making an entry or record, that the justices of peace, or magistrates aforesaid, had neglected to assemble in pursuance of the aforesaid act, to deliver, or cause to be delivered, to every person living or residing within such shire or stewartry, or royal borough or liberties thereof respectively, who shall apply for the same, (unless such person shall be disqualified to have a licence by this or any former act) a licence ingrossed, written, or printed, upon a piece of vellum, parchment, or paper, stamped as by the aforesaid act is directed, with a stamp denoting the payment of the duty of twenty shillings, signed by the clerk of the peace of such shire or stewartry, or the clerk of such royal borough, or their lawful deputies respectively; for each of which licences there shall be paid and payable the sums mentioned in the aforesaid act, and no more; and which licences so signed and delivered by the clerk of the peace of any shire or stewartry, or the clerk of any royal borough, or their lawful deputies respectively, shall be, to all intents and purposes, as good and effectual to the receiver or receivers thereof, as if the same had been allowed, granted, and signed, in a meeting of the justices of peace of such shire or stewartry, or of the magistrates of such royal borough; any thing in the aforesaid act to the contrary notwithstanding.

XXVIII. And be it enacted by the authority aforesaid, That in case the justices of the peace of any shire or stewartry, or the magistrates of any royal borough, assembled, upon the days appointed by the aforesaid act for executing the powers thereby committed to them, shall find it necessary, it shall and may be lawful for them to continue or adjourn their meeting to the next lawful day, and no longer; and in case the justices of peace of any shire or stewartry, or the magistrates of any royal borough, shall not upon one or other of these days, completely execute the powers committed to them by the aforesaid act, by allowing or refusing the petition or claim of every person within their several districts, who shall apply to them for a licence to sell ale, beer, or other exciseable liquor by retail; then, and in that case, it shall be lawful to the clerk of the peace of such shire or stewartry, or his lawful deputy, and to the clerk of such royal borough, or his lawful deputy respectively, and they are hereby required, after making an entry or record that the said justices of peace, or magistrates, had not completely executed the powers committed to them by the aforesaid act, to deliver, or cause to be delivered, to every person who shall have so applied to the justices of peace, or magistrates aforesaid, and upon whose application no deliverance or order shall have been made as aforesaid, a licence duly signed by such clerk as above directed; which shall be as good and effectual to the receiver thereof, as if the same had been allowed, granted, and assigned, in a meeting of the said justices or magistrates respectively; any thing in the aforesaid act to the contrary notwithstanding.

XXIX. Provided always, That no clerk of the peace, or of any royal borough, or their deputies, shall grant any licence but all such licences must under be granted

within 3 days after the times appointed for the justices issuing the same.

Clerk of the peace, &c. refusing to sign and deliver such licences, forfeit 10*l.* to the party, with full costs of suit.

They are to make up, annually, lists of the persons licensed within their respective districts;

which are to be kept upon record, and signed by them;

and they are to transmit an attested copy thereof, before 1 Dec. annually, to the collector of the stamp duties at Edinburgh,

on forfeiture of 10*l.*

and if any person shall be wilfully omitted

or wrongfully inserted in such lists, the clerk is to forfeit 40*s.* for such omission,

under this act, at any other time than within three days following the days appointed by this, or any former act, for the justices of peace, or magistrates of royal boroughs, to grant the same.

XXX. And be it enacted by the authority aforesaid, That in case any clerk of the peace, or of any royal borough, or their deputies, shall, in either of the cases above expressed, refuse to sign and deliver such licence to any person applying for the same as aforesaid, each of them so offending shall forfeit and pay to each and every person to whom, or for whose behoof, such licence ought to have been delivered as aforesaid, the sum of ten pounds, with full costs of suit, to be sued for and recovered before the sheriff or steward court of the shire or stewartry within which the person so offending shall reside, in manner herein after directed.

XXXI. And be it further enacted by the authority aforesaid, That the clerk of the peace of each shire or stewartry, and the clerk of each royal borough respectively, shall be holden and obliged annually to make up a true and exact list, in a book or register to be kept for that purpose, of the names, additions, and places of abode, of all persons within their respective districts, to whom licences for retailing ale, beer, or other exciseable liquors, shall be delivered in pursuance of this or the aforesaid act; which list shall be signed in the book or register aforesaid, by the clerk of the peace of each shire or stewartry, or clerk of each royal borough, or their lawful deputies respectively, and shall be carefully preserved with the other records under their care; and the clerk of the peace of each shire or stewartry, and the clerk of each royal borough, and their deputies respectively, shall be holden and obliged, on or before the first day of *December* in this and every year, to transmit to the collector of the stamp duties at *Edinburgh*, an exact copy of such list, taken from the said book or register, duly attested and signed by such clerk or his deputy; and in case any clerk of the peace, or of any royal borough aforesaid, or their deputies, shall neglect or fail to make up and sign such list, in a book or register as above directed, or shall neglect or fail to transmit an exact copy of such list, as entered in the said book or register, to the collector of the stamp duties at *Edinburgh*, as above required, the person or persons offending shall, for every such offence, forfeit and pay the sum of ten pounds; to be sued for and recovered before the sheriff or steward court of the shire or stewartry within which the person so offending shall reside, in manner herein after directed; and in case any clerk of the peace, or clerk of any royal borough, or their deputies, shall wilfully omit to insert in the aforesaid register, or in the copy thereof to be transmitted as aforesaid, the name of any person who shall be licensed to retail ale, beer, or other exciseable liquors, within their several districts; or shall wilfully insert in such register, or copy thereof to be transmitted as aforesaid, the name of any person as licensed, who shall not have been so licensed; such clerk shall, for every such offence, forfeit and pay the sum of forty shillings for each

each person licensed, whose name shall be omitted to be inserted in the said register, or copy thereof to be transmitted as aforesaid; and five pounds for each person not licensed, whose name shall be inserted in such register, or copy thereof; to be sued for and recovered before the sheriff or steward court of the shire or stewartry within which the person so offending shall reside, in manner herein after directed.

and 5l. for
such wrong
insertion.

XXXII. And whereas persons may presume to keep ale houses, tippling houses, or victualling houses, or to sell ale, beer, or other exciseable liquors, by retail, without such licence as is hereby and by the above recited act required; be it enacted by the authority aforesaid, That every person in that part of *Great Britain* called *Scotland*, who, after the tenth day of *November*, one thousand seven hundred and sixty five, shall keep an ale house, tippling house, or victualling house, or shall sell ale, beer, or other exciseable liquors, by retail, except in fairs, without being licensed thereunto, according to the directions of this and the former act above recited, and shall be thereof convicted in manner herein after-mentioned; every such offender shall forfeit and pay, for the first offence, the sum of thirty shillings; for the second offence, the sum of forty shillings; and for the third, or any subsequent offence, the sum of five pounds; and shall, after the said third offence, be incapable of keeping an ale house, tippling house, or victualling house, or of selling ale beer, or other exciseable liquors, by retail, or of having any licence for such purpose thereafter; all which respective penalties and forfeitures, for selling ale, beer, or other exciseable liquors, by retail, without licence, shall and may be sued for and recovered before the sheriff or steward court, or before any two or more justices of the peace of the shire or stewartry, or the baillie court of any royal borough, within whose jurisdiction respectively the offender or offenders shall reside, by any person who shall inform, and sue, or prosecute, for the same.

Persons in
Scotland sell-
ing ale, or o-
ther exciseable
liquors, by re-
tail, not being
duly licensed,

forfeit, for the
first offence,
30s. for the
second, 40s.
and for the
third, or any
subsequent of-
fence, 5l. and
are disqualifi-
ed:

XXXIII. And be it further enacted by the authority aforesaid, That any person or persons sued or prosecuted for retailing ale, beer, or other exciseable liquors, without licence, may and shall be legally convicted thereof on their own confession, or on the oath of one credible witness, or upon evidence by the stock book, or other accounts kept by the gauger or officer of excise, which he is required to produce, attested by the oath of such gauger or officer, that the person so sued or prosecuted has been charged or surveyed as a victualler or retailer, and has been charged with the same duties of excise that victuallers and retailers are usually charged with, and pay, for ale, beer, and other exciseable liquors, within the period mentioned in the information or complaint.

Method of
conviction in
such cases.

XXXIV. And be it enacted by the authority aforesaid, That all penalties and forfeitures inflicted by this act, not otherwise provided for, may be sued for or prosecuted before the respective courts above appointed, within six months after committing the offence, and shall be payable, one moiety thereof to his Ma-
jesty,

General me-
thod of reco-
very, and dis-
tribution of
the penalties
and forfei-

tures in Scotland, where not otherwise provided for.

jefty, his heirs, and successors, and the other moiety thereof to any person or persons who shall sue or prosecute for the same; and may be recovered and levied either by the usual execution of the law of *Scotland*, or by distress and sale of the goods and chattles of the offender (rendering to him or her the overplus, after the charges of the said distress and sale shall be deducted) by a warrant signed by the judge or magistrate before whom such offender shall be convicted, and which warrant shall contain power to enter houses, and break open doors, in order to make such distress effectual, and may be carried into execution without necessity of any previous intimation of the conviction; any any thing in the aforesaid act to the contrary notwithstanding.

Limitation as to the time of execution of warrants for distress, upon conviction of offenders.

The grounds of such warrants to be preserved on record.

Appeals to be made to the barons of the exchequer at Edinburgh;

and are to be lodged with the original proceedings. Appellant to give in his reasons of appeal, and bond to prosecute, &c.

otherwise the judgment to stand good.

XXXV. Provided always, That no such warrant for distress shall be carried into execution, till after the expiration of six days after the conviction of every such offender; and the clerk or clerks of the respective courts aforesaid, before whom any conviction for any of the offences aforesaid shall proceed, shall, and they are hereby required, carefully to preserve the whole grounds and warrants of every such conviction amongst the other records of such court; and shall not be obliged to return or certify the same to any other court; any thing in the aforesaid act to the contrary notwithstanding.

XXXVI. And whereas the appeal to the quarter sessions allowed by the aforesaid act, has been found inconvenient and improper, be it enacted by the authority aforesaid, That from and after the tenth day of *November*, one thousand seven hundred and sixty five, it shall and may be lawful to any person or persons who shall think him, her, or themselves, aggrieved, by the sentence or decree of any judge or magistrate convicting him, her, or them, of any of the offences aforesaid described in this act, within three days after the date of such decree or sentence, to appeal to the barons of his Majesty's court of exchequer at *Edinburgh*; which appeal shall either be taken in open court in the presence of the judge or magistrate who shall have pronounced the decree or sentence appealed from, by a writing signed by the appellant or his procurator, or at the office of the clerk of such court, by a writing signed as aforesaid; all which appeals, the clerk of such court shall carefully lodge and preserve along with the proceedings in the original suit; and the person or persons so appealing, shall, within six days after lodging such appeal, give in to the clerk of the said court his reasons of appeal, and a bond with a sufficient surety to prosecute the said appeal with effect, and to pay such costs as shall be awarded against him, her, or them, in case the appeal shall be dismissed, or the sentence or decree appealed from, be affirmed; and which reasons of appeal and bond, shall likewise be lodged and preserved by the said clerk along with the proceedings in the original suit; and in case the person or persons so appealing, shall neglect to give in his reasons of appeal and bond to prosecute the same as above required, the appeal shall be holden as passed from, and the sentence or decree against which

which the appeal was taken, shall to all intents and purposes be come final, and be carried into execution according to the directions of this act; and in case the reasons of appeal and bond for prosecuting the same, shall be duly lodged as aforesaid, the clerk of the court appealed from, shall, and is hereby required within fourteen days after the date of such appeal, to transmit to the solicitor of the stamp duties at *Edinburgh*, a full extract of the whole proceedings in the original suit, and of the decree or sentence following thereupon, and of the appeal, and reasons of appeal, and bond for prosecuting the same, duly signed by him or his lawful deputy, for which he shall be intitled to receive the ordinary fees of an extracted decree; and which extract the solicitor of the stamp duties shall immediately lodge in the office of the King's remembrancer in the court of exchequer; and so soon as such extract shall be so lodged, it shall and may be lawful to either party, appellants or respondents, to apply to the barons of the said court, or any one of them, as well out of term as in term time, in order to have a day appointed for hearing and determining such appeal; and the said barons, or any of them, shall accordingly appoint such day as they shall think proper, of which due notice shall be given by the party who applied for such day, to the other party in the said appeal, ten days at least before the day appointed for hearing and determining such appeal.

XXXVII. And be it enacted by the authority aforesaid, That the said barons, or any one of them, shall, and he or they is or are hereby impowered, as well out of term time as in term time, to hear and determine such appeal, and to give such judgement thereupon, as to them or him shall seem just; and to award full costs of suit, in case the appeal shall be dismissed, or the sentence or decree appealed from shall be affirmed; which judgement shall be final to all intents and purposes, and subject to no other review whatsoever; and the said barons, or any one of them, who shall give such judgement, may and shall grant warrant for levying the sum or sums awarded by such judgement, by distress and sale of the goods and chattels of the person or persons against whom such judgement shall be given, and his, her, or their surety or sureties, and for such other execution of the law in the same way and manner as the inferior judge or magistrate, before whom the original suit was brought, might have done for levying any of the penalties inflicted by this act.

XXXVIII. And be it further enacted by the authority aforesaid, That all publick officers in *Great Britain*, who shall, from time to time, have in their custody any books, papers, files, records, remembrances, dockets, or proceedings, the sight or knowledge whereof may tend to the securing any of his Majesty's stamp duties, or to the proof or discovery of any fraud or omission in relation thereto, or to any of them, shall, at any seasonable time or times, permit and suffer any officer and officers thereunto authorized by the commissioners for the time being appointed to manage those duties, or the major part of them,

Where the reasons of appeal shall be duly lodged, &c. the clerk of the court is to transmit a copy of the original proceedings and sentences to the solicitor of the stamp duties at *Edinburgh*, with the reasons of appeal, and the bond, &c.

to be lodged in the office of the King's remembrancer, &c. and the barons are thereupon to appoint a day for hearing;

and such appeal may be heard in or out of term.

Full costs to be allowed if the appeal is dismissed, or the sentence affirmed; to be levied by distress and sale.

Publick officers having in their custody any books or papers, which may tend to secure the stamp duties, or discover any fraud therein, are to permit to the officer and

and the additional duty of 20 s. on policies of assurance, to be applied as the former duties.

arising by the additional duty of twenty shillings by this act charged and imposed on policies of assurance, by which the properties of any number of persons in any ship, cargo, or both, not exceeding in the whole the sum of one hundred pounds, shall be assured; shall be issued and applied to such and the same uses, as the former duties upon policies of assurance are applicable.

XLIV. And be it further enacted by the authority aforesaid, That in case any action, suit, or other prosecution, shall be had, brought, or prosecuted, against any person or persons, for or by reason of any act, matter, or thing, by him, her, or them, done or committed, by virtue or in pursuance of this act; that then, in every such case, the action, suit, or prosecution, shall be laid and prosecuted in the county or city where the fact was committed, and not elsewhere; and that, in every such action, suit, or prosecution, the defendant or defendants may plead the general issue, and give this act, and any other act or acts of parliament, and any other matter or thing, in evidence; and in case there shall be a verdict or verdicts therein for the defendant or defendants, or judgement therein shall be given for the defendant or defendants, or the plaintiff or plaintiffs, prosecutor or prosecutors, shall become nonsuit, or the plaintiff or plaintiffs, prosecutor or prosecutors, shall discontinue such action or suit; that then, and in every such case, the defendant and defendants, in every such action, suit, or prosecution, shall recover his, her, or their, treble costs.

CAP. XLVII.

An act for encreasing the fund for payment of the sums of money directed, by an act made in the thirty second year of the reign of his late majesty King George the Second, to be applied in augmentation of the salaries of the puisne judges in the court of King's Bench, the judges in the court of Common Pleas, the barons of the coif in the court of Exchequer at Westminster, and the justices of Chester, and the great sessions for the counties in Wales, for the time being; and for applying certain sums in augmentation of the salaries of the said judges and justices, and of the judges in the courts of Session and Exchequer in Scotland, for a certain time previous to the commencement of the augmentations established by the said act.

Preamble, relating clause in act 32 Geo. 2.

WHEREAS by an act made in the thirty second year of the reign of his late majesty King George the Second, intituled, An act for augmenting the salaries of the puisne judges in the court of King's bench, the judges of the court of Common Pleas, the barons of the coif in the court of Exchequer at Westminster, the judges in the courts of session, and exchequer in Scotland, and justices of Chester, and the great sessions for the counties in Wales;

it was set forth, That the salaries of the said judges and justices were inadequate to the dignity and importance of their offices; and therefore in order to establish, in the first place, a proper fund for the augmentation of the salaries of the said judges in the courts at Westminster, and justices of Chester, and the great sessions for the counties in Wales, certain stamp duties were thereby granted, and appropriated to the payment of the several and respective sums of money directed by the said act to be applied in augmentation of the salaries of the said last-mentioned judges and justices; and certain sums were directed to be paid yearly out of the duties and revenues therein mentioned, in augmentation of the salaries of the said judges in Scotland: and whereas by an act made in the second year of his present Majesty's reign, intituled, An act for better securing the payment of the sums of money directed by an act made in the thirty second year of the reign of his late majesty King George the Second, to be applied in augmentation of the salaries of the puisne judges in the court of King's bench, the judges in the court of Common Pleas, the barons of the exchequer in the court of Exchequer at Westminster, and the justices of Chester and the great sessions for the counties in Wales for the time being; it was set forth, That the fund provided by the said act of the thirty second year of the reign of his late majesty King George the Second, for payment of the sums thereby granted in augmentation of the salaries to the said judges and justices in England and Wales, had proved insufficient to make good and answer the same; and therefore certain other stamp duties were, by the said last-mentioned act, granted, appropriated, and made one joint fund with the duties arising by virtue of the said former act, for answering and paying, in such manner and proportions as are in the said former act directed and appointed with respect to the duties thereby granted, all such sums of money as should become due and payable from and after the fifth day of July, one thousand seven hundred and sixty two, in pursuance of the said former act, to the said judges and justices in England and Wales: and whereas the said joint fund so established and provided for payment of all such sums of money as should become due and payable from and after the said fifth day of July, one thousand seven hundred and sixty two, in pursuance of the said act made in the thirty second year of the reign of his late Majesty, to the said judges and justices in England and Wales, hath also proved insufficient to make good and answer the same: we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, in order to make the said joint fund effectual to answer the said purposes, do give and grant unto your Majesty the duties herein after mentioned; and do therefore most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the fifth day of July, one thousand seven hundred and sixty five, there shall be throughout England the dominion of Wales, and town of Berwick upon Tweed, raised,

and 2 Geo. 3.

From and after
5 July, 1765,
the following
additional
stamp duties

to take place; collected, levied, and paid, unto and for the use of his Majesty, his heirs, and successors, for every piece of vellum, parchment, or paper, on which the matters and things herein after mentioned shall be ingrossed or written at any time or times after the said fifth day of *July*, over and above the rates and duties charges and sums of money, now due and payable to his Majesty for or in respect of the same, the further rates, duties, charges, and sums of money; that is to say,

On admissions into the four inns of court, 41. For every piece of vellum or parchment, or sheet or piece of paper, upon which any admission into the four inns of court shall be ingrossed or written, an additional stamp duty of four pounds.

On testimonials of the degree of utter barrister 61. For every piece of vellum or parchment, or sheet or piece of paper, upon which shall be ingrossed or written any register, entry, testimonial, or certificate, of the degree of utter barrister taken in any of the said four inns of court, an additional stamp duty of six pounds.

These duties to be under the management of the commissioners for the former duties on stamps.

II. And be it further enacted by the authority aforesaid, That for the better and more effectual raising, levying, collecting, and paying, the said additional rates and duties herein before granted, the same shall be under the government, care, and management, of the commissioners for the time being appointed to manage the duties payable to his Majesty, his heirs, and successors, and charged on stamped vellum, parchment, and paper, by former acts of parliament in that behalf made; who, or the major part of them, are hereby required and impowered to employ such officers under them for that purpose, as they shall think proper; and to use such dies and stamps, to denote the stamp duties hereby charged, as they shall think fit; and to repair, renew, or alter, the same, from time to time, as there shall be occasion; and to do all other acts, matters, and things, necessary to be done, for putting this act in execution, with relation to the said rates and duties hereby granted, in the like, and in as full and ample manner, as they, or the major part of them, are authorized to put in execution any former law concerning stamped vellum, parchment, or paper.

One new stamp may be provided for denoting all the duties.

III. Provided always, and be it further enacted by the authority aforesaid, That, to prevent the multiplication of stamps for and in respect of the additional rates and duties hereby granted, it shall and may be lawful for the said commissioners, instead of distinct stamps, to ascertain the duties granted by former acts, and this act, to cause one new stamp to be provided for denoting all the said duties, from time to time, as shall, by the said commissioners, be thought proper or necessary.

Such former stamped paper, vellum or parchment, as shall be used after the said 5 July, for the purposes a-

IV. And be it further enacted by the authority aforesaid, That all vellum, parchment, and paper, charged by this act with any of the stamp duties hereby granted, which hath been, or shall, before the said fifth day of *July*, be stamped or marked in pursuance of the former acts of parliament relating to his Majesty's stamp duties, or any of them, shall, before any of the matters

or things, in respect whereof any rate or duty is hereby made payable, shall be ingrossed or written thereupon (such ingrossing or writing being, at any time after the said fifth day of *July*) be brought to the head office for stamping or marking of vellum, parchment, and paper, to be stamped or marked with another mark or stamp, over and besides the marks or stamps put, or to be put, thereupon, in pursuance of the said former acts, or any of them; and that all vellum, parchment, and paper, which hath not been, or shall not, before the said fifth day of *July*, be stamped or marked in pursuance of the said former acts, or any of them, shall, before any of the matters or things in respect whereof any stamp duty is payable hereby, and by the said former acts, or any of them, shall be thereupon ingrossed or written (such ingrossing or writing being after the said fifth day of *July*) be brought to the said head office, and there marked and stamped with the proper marks or stamps, or mark or stamp, provided, used, or appointed, or to be provided or appointed, in pursuance of the said former acts, or of this act, to denote the respective duties thereby and hereby respectively charged thereupon; and if any of the said matters and things, so to be ingrossed or written as aforesaid, shall be ingrossed or written, contrary to the true intent and meaning hereof, upon vellum, parchment, or paper, not appearing to have been duly marked or stamped according to this act; that then, and in every such case, there shall be due, answered, and paid (over and above the stamp duties payable hereby, and by the said former acts, or any of them) for or in respect of every such matter or thing, the sum of five pounds; and that no such matter or thing shall be available in law or equity, or be given in evidence, or admitted in any court, unless as well the said duty hereby charged in respect thereof, as the said sum of five pounds, shall be first paid to the receiver general for the time being of the stamp duties, or his deputy or clerk, and until the vellum, parchment, or paper, upon which such matter or thing is so ingrossed or written, shall be marked or stamped according to the tenor and true meaning hereof; and the said receiver general, and his deputy or clerk, are hereby enjoined and required, upon payment or tender of the said duties, and of the said sum of five pounds, and such other sums as by the said former acts are payable in that behalf, to give a receipt for such monies; and the other proper officers are thereupon required to mark or stamp such matters or things with the proper marks or stamps, or mark or stamp, required in that behalf; which said sum of five pounds is to be applied to the same uses and purposes as the duties hereby granted are to be applied.

V. And be it further enacted by the authority aforesaid, That the rates and duties herein before granted shall be paid, from time to time, into the hands of the receiver general for the time being of the duties on stamped vellum, parchment, and paper, who shall keep a separate and distinct account of the rates and duties arising by virtue of this act; and pay the same (the necessary charges of raising, paying, and accounting for, such rates and duties being deducted) into the receipt of the exchequer,

fore said, is to be brought to the office, to be stamped with the duties granted by this act;

but all unstamped paper &c. is to be marked with the general stamp for all the duties.

Penalty of not using the proper stamps, is s^d. besides the duties;

and the instrument deemed unavailable, until these duties, as well as the penalty, are paid.

Receipt to be given for the said duties.

Penalty to be applied as the duties.

duties to be paid over to the receiver general.

and by him into the exchequer.

and to be entered separate and apart from all other monies.

for the purposes herein after expressed, at such time and in such manner, as any former duties on stamped vellum, parchment, or paper, are directed to be paid; and that in the office of the auditor of the said receipt, shall be provided and kept a book or books, in which all the monies arising from the rates and duties hereby granted and paid into the said receipt as aforesaid, shall be entered separate and apart from all other monies paid and payable to his Majesty, his heirs, and successors, upon any account whatsoever, and shall be applied in such manner as is herein after mentioned.

Officers to observe the rules prescribed them by the treasury.

VI. And be it further enacted by the authority aforesaid, That the said commissioners, and all other officers who shall be employed in the collection or management of the said rates and duties herein before granted, shall, in the execution of their offices, observe and perform such rules and orders as they respectively shall, from time to time, receive from the high treasurer or the commissioners of the treasury, or any three or more of them, for the time being; and that no fee or reward shall be taken or demanded by any such commissioners or officers from any of his Majesty's subjects, for any matter or thing to be done in pursuance of this act; and in case any officer employed in the execution of this act, in relation to the said rates and duties, shall refuse or neglect to do or perform any matter or thing by this act required or directed to be done or performed by him, whereby any of his Majesty's subjects shall or may sustain any damage whatsoever, such officer so offending shall be liable, by any action to be founded on this statute, to answer to the party grieved all such damages, with treble costs of suit.

No fees to be taken by them.

Officer neglecting his duty, liable to pay damages, with treble costs.

Penalty on officers guilty of a breach of trust;

or misapplying any of the monies. Powers, &c. granted by former acts, extended to this act.

VII. And be it further enacted by the authority aforesaid, That the said commissioners and their officers shall be subject to such penalties and forfeitures, for any breach of the trusts in them reposed, or for diverting or misapplying the money received in pursuance of this act, as by any former law relating to stamped vellum, parchment, or paper, are inflicted; and that all powers, provisions, articles, clauses, penalties, forfeitures, distribution of penalties and forfeitures, and all other matters and things prescribed, inflicted, or appointed, by any former act or acts of parliament relating to the stamp duties on vellum, parchment, and paper, and not hereby altered, shall be in full force and effect, with relation to the rates and duties hereby imposed; and shall be applied, and put in execution, for the raising, levying, collecting, and securing, the said rates and duties, according to the true intent and meaning of this act, as fully to all intents and purposes, as if the same had severally and respectively been herein enacted with relation to the rates and duties hereby imposed.

Penalty of counterfeiting or forging any of the stamps,

VIII. And be it further enacted by the authority aforesaid, That if any person, from and after the said fifth day of July, shall counterfeit or forge, or procure to be counterfeited or forged, any seal, stamp, or mark, to resemble any seal, stamp, or mark, directed or allowed to be used by this act for the purpose of denoting the duties hereby granted; or shall counterfeit or resemble,

resemble the impression of the same with an intent to defraud his Majesty, his heirs and successors, of any of the said duties; or shall utter, vend, or sell, any vellum, parchment, or paper, ^{or vending forged stamps,} liable to any such stamped duty, with such counterfeit stamp or mark, knowing the same to be counterfeit; or shall privately ^{or privately or fraudulently} use any seal, stamp, or mark, directed or allowed to be used by this act, with intent to defraud his Majesty, ^{using the real seal, to de-} his heirs, and successors, of any of the said duties; every person so offending, and being thereof lawfully convicted, shall be ^{fraud his Ma-} judged a felon, and shall suffer death as in cases of felony, ^{is felony.} without benefit of clergy.

IX. And be it further enacted by the authority aforesaid, ^{The several former duties, and those hereby granted, made a joint fund for paying the augmentation to the judges salaries established by the recited acts of 31 Geo. 3. and 2 Geo. 3.} That the duties hereby granted, and the duties arising by virtue of the said former act made in the thirty second year of his late Majesty's reign, and in the second year of his present Majesty's reign, shall be and are hereby made one joint fund for answering and paying, in such manner and proportions as are in the said several acts directed and appointed with respect to the duties thereby granted, all such sums of money as shall become due and payable from and after the said fifth day of July, in pursuance of the said several acts, to the puisne judges in the court of *King's Bench*, the judges in the court of *Common Pleas* at *Westminster*, the chief and other barons of the coif in the court of *Exchequer* at *Westminster*, the chief and second justices of *Chesler*, and the justices of the great sessions for the counties in *Wales*, for the time being respectively; and if any surplus shall remain of the produce of the said fund, the same shall (except the money herein after authorized to be paid thereout) be reserved for the disposition of parliament, in such manner as any surplus of the duties granted by the said several acts are thereby respectively directed to be reserved.

X. And be it further enacted by the authority aforesaid, ^{That first paying out of any of the surplusses which shall arise upon the said funds thereout established for payment of the said augmentation, and upon the 3,615l. in augmentation of the said salaries from 5 Jan. to 5 July, 1759.} That out of any of the duties and revenues in that part of *Great Britain* called *Scotland*, which by an act made in the tenth year of the reign of Queen *Anne*, were charged or made chargeable with the payment of the fees, salaries, and other charges, allowed, or to be allowed, by her Majesty, her heirs, or successors, for keeping up the courts of session and justiciary, and exchequer court in *Scotland*, a sum not exceeding two thousand

XI. And be it further enacted by the authority aforesaid, ^{2,100l. to be paid out of the fund established by act 10 Annæ, in Scotland,} That out of any of the duties and revenues in that part of *Great Britain* called *Scotland*, which by an act made in the tenth year of the reign of Queen *Anne*, were charged or made chargeable with the payment of the fees, salaries, and other charges, allowed, or to be allowed, by her Majesty, her heirs, or successors, for keeping up the courts of session and justiciary, and exchequer court in *Scotland*, a sum not exceeding two thousand

in augmenta-
tion of the
judges salaries
there, from 5
Jan, to 5 July,
1759.

one hundred pounds, shall be paid and applied, in augmentation of the salaries of the judges in the said courts of session and exchequer, from the said fifth day of *January*, to the said fifth day of *July*, one thousand seven hundred and fifty nine, according to the proportions appointed by the said act made in the thirty second year of the reign of his said late Majesty, with respect to the augmentation thereby granted of the salaries of the said judges.

General issue.

Treble costs.

XII. And it is hereby enacted by the authority aforesaid, That if any person or persons shall, at any time or times be sued or prosecuted for any thing by him or them done or to be done or executed in pursuance of this act, or of any matter or thing in this act contained, such person or persons shall and may plead the general issue, and give the special matter in evidence for his or their defence; and if, upon the trial, a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, then such defendant or defendants shall have treble costs to him or them awarded against such plaintiff or plaintiffs.

C A P. XLVIII.

An act for prohibiting the importation of foreign manufactured silk stockings, silk mitts, and silk gloves, into Great Britain and the British dominions; and for rendering more effectual an act passed in the third year of the reign of his present Majesty, for explaining, amending, and rendering more effectual, an act made in the nineteenth year of the reign of King Henry the Seventh, intituled, Silk Works.

Preamble.

Foreign manufactured silk stockings, silk mitts, or silk gloves, are prohibited to be imported after 24 June, 1765. on penalty of forfeiture,

WHEREAS the importation of foreign manufactured silk stockings, silk mitts, and silk gloves, into Great Britain, and the British dominions, is greatly prejudicial to the trade and manufactures of this kingdom, and tends to the depriving of his Majesty's subjects of the means of supporting themselves and their families; for remedy whereof, may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled and by the authority of the same, That if any foreign manufactured silk stockings, silk mitts, or silk gloves, shall from and after the twenty fourth day of *June*, one thousand seven hundred and sixty five, be imported, brought, or conveyed, into this kingdom, or any part of the *British* dominions, the same shall be, and are hereby declared to be, forfeited, and shall be liable to be searched for and seized, in like manner as other prohibited and uncustomed goods are, and shall be disposed of as is herein after mentioned; and every person or persons who shall bring, convey, or import, or shall cause to be brought, conveyed, or imported, into this kingdom, or any part of the *British*

British dominions, any such silk stockings, silk mitts, or silk gloves, or shall be aiding, abetting, or assisting therein, or being a vender or venders, retailer or retailers, of any kind of silk stockings, mitts, or gloves, in whose custody or possession any such foreign manufactured silk stockings, silk mitts, or silk gloves, shall be found, or who shall sell, or expose to sale, any such silk stockings, silk mitts, or silk gloves, or who shall conceal any such silk stockings, silk mitts, or silk gloves, with intent to prevent the forfeiture or seizure of the same, shall, over and above the forfeiture and loss of such silk stockings, silk mitts, and silk gloves, and all interest which he, she, or they, may have therein, for every such offence, forfeit and pay the sum of two hundred pounds, together with costs of suit.

and the persons assisting therein or dealers in whose custody such goods shall be found or exposing them to sale, &c.

forfeit also 200l.

II. Provided always, and be it further enacted by the authority aforesaid, That if any such silk stockings, silk mitts, or silk gloves, shall be found and seized in that part of *Great Britain* called *England*, out of the cities of *London*, and *Westminster*, and the limits of the weekly bills of mortality, and the same shall not exceed in value the sum of twenty pounds; it shall and may be lawful for two or more of his Majesty's justices of the peace for such county, city, borough, or place, where the same shall be so found and seized, upon information before them that such silk stockings, silk mitts, or silk gloves, were seized as silk stockings, silk mitts, or silk gloves, unduly brought into, and not manufactured within this kingdom, to hear and determine the same, and to proceed to condemnation or discharge thereof, as shall seem just, any thing herein before contained to the contrary notwithstanding.

Where such goods shall be found, and seized out of *London*, or weekly bills not exceeding 20l. in value; two justices for the county or place may proceed to condemnation or discharge thereof.

III. And be it further enacted by the authority aforesaid, That forthwith after the seizure of any such silk stockings, silk mitts, or silk gloves, as aforesaid, the same shall be deposited in one of the King's warehouses belonging to the custom-house, in case such seizure happens to be within the cities of *London* or *Westminster*, or the weekly bills of mortality, where the same shall be received and admitted at all times by the proper officer or officers there, who is and are hereby impowered and required to receive and preserve the same; and in case such seizure shall be made out of the said cities of *London*, and *Westminster*, and the weekly bills of mortality, then the same shall be deposited in the hands of the chief magistrate of such city, town, or place where the same shall be seized, or in the hands of the constable of the next adjacent village, who is and are impowered and required to receive and preserve the same; and all and every such silk stockings, silk mitts, and silk gloves, may, from time to time, be viewed and inspected by any person or persons, on behalf of the prosecutor or prosecutors, or of the person or persons interested in or claiming the said silk stockings, silk mitts, and silk gloves, with the leave of the court, officers, judges, or justices, where, or before whom any prosecution or suit shall be carried on, for condemnation thereof, or for recovery of any penalty by this act inflicted, who are and is hereby required to make and give such

Seizures, if made within *London* or *Westminster*, or weekly bills to be deposited in the King's warehouses; if made elsewhere, to be deposited with the chief magistrate, or constable.

and to be viewed with leave;

and after condemnation, to be publickly sold for exportation to foreign parts, not being any of his Majesty's dominions;

for which security is to be given,

to be discharged upon certificate of the due landing thereof,

or proof made of their being taken by the enemy, or that they perished at sea.

Where there shall be grounds for suspicion, and information upon oath be made and subscribed before a justice, of any such goods being imported and concealed by the retailer, he is to issue his warrant for searching for and seizing the same.

orders, from time to time for that purpose, as may be just and reasonable; and after condemnation thereof in due course of law, all and every such silk stockings, silk mitts, and silk gloves, shall be publickly sold to the best advantage for exportation by the candle; and one moiety of the produce, or money arising by the sale of such silk stockings, silk mitts, and silk gloves, shall be to the use of his Majesty, his heirs, and successors; and the other moiety thereof to the use of the officer or officers who shall seize and secure the same; and no such silk stockings, silk mitts, or silk gloves, shall be consumed or used in this kingdom, but shall be exported again to some port or place, not being any part of his Majesty's dominions, and shall not be sold otherwise than on condition to be exported as aforesaid; and such silk stockings, silk mitts, and silk gloves, shall not be delivered out of the warehouse or place wherein the same shall have been secured, until sufficient security be first given to the King's majesty, his heirs, and successors, which the commissioners of his Majesty's customs are hereby impowered and required to take, that the same, and every part thereof, shall be exported as aforesaid, and not landed again in any part of his Majesty's dominions; which securities shall be discharged without fee or reward, upon certificate returned under the common seal of the chief magistrate in any place or places beyond the seas, and out of his Majesty's dominions, or under the hands and seals of two known *English* merchants upon such place, that the goods were there landed; or upon proof by credible persons, that such goods were taken by enemies, or perished in the seas; the examination and proof thereof being left to the judgement of the said commissioners; which commissioners are hereby impowered, from time to time to call upon the person or persons who have entered into such security, to produce such certificate or proof as aforesaid.

IV. And, for the better discovering and detecting any offender or offenders against this act; be it enacted by the authority aforesaid, That upon an information in writing, made upon oath before any two or more of his Majesty's justices of the peace for the respective county or place (which information shall be signed by the party or parties making the same) that there is good ground and reason to suspect that such silk stockings, silk mitts, or silk gloves as aforesaid, have been imported into this kingdom, and are concealed by, or are in the possession or custody of, any retailer or seller of any kind of silk stockings, silk mitts, or silk gloves, contrary to the true intent of this act; it shall and may be lawful for such justices respectively, to issue their warrant or warrants to any constable or constables, or other peace officer or officers, within the said county or place, impowering him or them to search in the day-time the house or houses out house, or out-houses, ware-houses, shops, cellars, rooms, and other places, belonging to, or hired, employed, or made use of by, such retailer or seller who shall be suspected to conceal or have in his, her, or their possession or custody any silk stockings, silk mitts, or silk gloves, not being made or manufactured

factured within *Great Britain*; and if any such silk stockings, silk mitts, or silk gloves, not being made or manufactured within *Great Britain*, shall be found, to seize and carry away the same, for the purpose of carrying this act into execution, and and to dispose thereof as is herein before directed.

V. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons, for any thing done in pursuance of this act, the defendant or defendants in such action or suit may plead the general issue, and give this act and the special matter, in evidence, at any trial to be had thereupon, and that the same was done by the authority of this act; and if it shall appear to have been so done, then the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared; or if judgement shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall recover treble costs, and have the like remedy for the same as defendants have in other cases by law. General issue.
Treble costs.

VI. Provided always, and be it further enacted, That in every such action, it shall and may be lawful for the defendant or defendants, by leave of the court where such action shall be depending, at any time before issue joined, to pay into court such sum of money as he or they shall see fit, as amends for the matter or cause complained of in such action; whereupon such proceedings, orders, and judgements, shall and may be had, made, and given, in and by such court, as in other actions where the defendant is allowed to pay money into court. Defendant allowed to pay money into court.

VII. And be it further enacted by the authority aforesaid, That if any such silk stockings, silk mitts, or silk gloves, shall be seized by virtue and in pursuance of this act, and any doubt or question shall afterwards arise where the same were manufactured, the proof shall lie upon the person or persons in whose custody or possession the same were found, and not upon the prosecutor or prosecutors, plaintiff or plaintiffs; and in case no proof shall be given that such silk stockings, silk mitts, or silk gloves, were manufactured within *Great Britain*, then the same shall, without any further proceeding, be taken and held to have been manufactured out of *Great Britain*, and contrary to, and in violation of, this act; any law or custom to the contrary notwithstanding. If any doubt arise with respect to the place of manufacture of such goods, proof to lie on the defendant.

VIII. Provided always, and be it further enacted, That if any person or persons in whose custody or possession any such silk stockings, silk mitts, or silk gloves, shall be seized, by virtue and in pursuance of this act, such person or persons not importing or concealing the same, shall discover upon oath, before any one or more justice or justices of the peace, the person or persons who sold such silk stockings, silk mitts, or silk gloves to such person or persons in whose custody or possession the same shall be seized, so as that such person or persons, so selling the same, shall or may be prosecuted and convicted according to the Person in whose custody such goods shall be found, not importing or concealing the same, discovering the seller, the

is discharged
from all pe-
nalties.

the intent of this act, as the seller thereof, in case the same shall be, or be taken and held to be, within the intent and meaning of this act, manufactured out of *Great Britain*; such person or persons so discovering, as aforesaid, shall be, and is and are hereby freed and discharged of and from all and every the penalties and forfeitures by this act inflicted upon all and every person and persons being a vender or venders, retailer or retailers, having in his, her, or their custody or possession any such silk stockings, silk mitts, or silk gloves, not made or manufactured, in *Great Britain*; and of and from any proof that the same so seized, as aforesaid, were manufactured in *Great Britain*.

Recovery and
application of
the pecuniary
penalties and
forfeitures.

IX. And be it further enacted by the authority aforesaid, That all pecuniary penalties and forfeitures by this act imposed, shall and may be sued for and recovered in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer at *Edinburgh*, respectively, by action, bill, plaint, or information, in the name of his Majesty's attorney general, or in the name of his Majesty's advocate in *Scotland*, or in the name or names of some officer or officers of the customs; and that one moiety of every such penalty and forfeiture shall be to his Majesty, his heirs, and successors, and the other moiety thereof to the officer or officers of the customs who shall inform and prosecute for the same.

Wearer of
such goods
not subject to
any forfeiture
or penalty.

X. Provided also, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be in any wise construed to extend, to subject any person or persons who shall wear or make use of such silk stockings, silk mitts, or silk gloves, as aforesaid, as part of his, her, or their apparel, or dress only, to any forfeiture, or to any pecuniary penalty or penalties inflicted by this act, or to any proof that the same were manufactured within *Great Britain*.

Penalties in-
flicted by act
19 Hen. 7.

XI. And whereas by an act passed in the third year of the reign of his present majesty, for explaining, amending, and rendering more effectual, an act made in the nineteenth year of the reign of King *Henry* the Seventh, intituled, *Silk Works*, certain penalties are thereby inflicted upon any person or persons, who shall import, bring, or convey, or cause to be imported, brought, or conveyed into this kingdom, any ribbands, laces, or girdles, not made and manufactured in *Great Britain* whether the same be wrought of silk alone, or wrought of silk mixed with any other materials: or who shall be aiding, abetting, or assisting, in the bringing and conveying, or importing into this kingdom any such ribbands, laces, or girdles, as aforesaid; and also upon every person and persons being a vender or venders, retailer or retailers, of any kind of ribbands, laces, or girdles, respectively, in whose custody or possession any such ribbands, laces, or girdles, or any of them, shall be found; or who shall sell or expose to sale, any such ribbands, laces, or girdles, as aforesaid; or who shall conceal any such ribbands, laces or girdles, with intent to prevent the forfeiture or seizure of the same; which penalties, by reason of the smallness thereof,

on persons
importing
ribbands,
laces, or gir-
dles, of so-
reign manu-
facture,
and upon the
aiders therein,

and the vend-
ers,

or concealers
thereof, deem-
ed insufficient.

have

have be found insufficient to answer the good intention of the said act; be it therefore further enacted by the authority aforesaid, That all and every person and persons, who shall be guilty ^{and persons} of any of the offences aforesaid, shall, for every such offence, forfeit and pay the sum of two hundred pounds, together with ^{for the future} costs of suit; and shall and may be sued for and recovered in any ^{guilty of any} of his Majesty's courts of record at *Westminster*, or in the court ^{of the said of-} ~~feitures, to for-~~ ^{feited 200l. with} of exchequer at *Edinburgh* respectively, by action, bill, plaint, ^{costs of suit;} or information, in the name of his Majesty's attorney general, or in the name of his Majesty's advocate in *Scotland*, or in the name or names of some officer or officers of the customs; and that one moiety of every such penalty and forfeiture shall be to his Majesty, his heirs and successors; and the other moiety thereof, ^{One moiety to} to the officer or officers who shall inform and prosecute for the ^{the King, and} same. ^{the other to} ^{the prosecu-} ^{tor;}

XII. Provided always, and it is hereby further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be in any wise construed to extend, to subject any person or persons whatsoever, who shall wear or make use of such ribbands, laces or girdles, as aforesaid, as part of his, her or their apparel or dress only, to any forfeiture, or to any pecuniary penalty or penalties inflicted by the said recited act, or this act; or to any proof that such ribbands, laces or girdles, were manufactured in *Great Britain*. ^{but the wear-} ^{er is not to be} ^{subject to any} ^{forfeiture or} ^{penalty.}

XIII. And whereas in and by the said recited act it is enacted, That all and every such ribbands, laces and girdles, after condemnation thereof, shall, by order of the court, judge or judges, or justices, where or before whom such condemnation shall be had, be publicly burnt and intirely destroyed: and whereas the intention of the said act might be more effectually answered, if such ribbands, laces and girdles, were sold and disposed of in manner herein after mentioned, instead of being burnt and destroyed as aforesaid; be it therefore further enacted by the authority aforesaid, That all such ribbands, laces and girdles, shall be only seized and secured, in pursuance of the powers granted by the said act, by some officer or officers of his Majesty's customs, and shall, after condemnation thereof in due course of law, be publicly sold for the best advantage for exportation, by the candle; and one moiety of the produce or money arising by the sale of such ribbands, laces and girdles, shall be paid to the use of the King's majesty, his heirs and successors, and the other moiety thereof to the use of such officer or officers of the customs who shall seize and secure the same as aforesaid; and no such ribbands, laces or girdles, shall be consumed or used in this kingdom, but shall be exported again to some port or place, not being any part of his Majesty's dominions, and shall not be sold, otherwise than on condition to be exported as aforesaid; and such ribbands, laces and girdles, shall not be delivered out of the warehouse wherein the same shall have been secured, until sufficient security be first given to the King's majesty, his heirs and successors, (which the commissioners of his Majesty's

^{Such ribbands,} ^{laces, and gir-} ^{dles, instead of} ^{being burnt,} ^{pursuant to the} ^{recited act, are} ^{to be publick-} ^{ly sold,} ^{and exported} ^{to foreign} ^{parts, not be-} ^{ing part of} ^{the King's} ^{dominions;} ^{for which se-} ^{curity is to be} ^{given,}

and a certificate returned of the due landing thereof accordingly,

or proof made of their being taken by enemies, or of their perishing in the seas.

Officer neglecting, for one month after condemnation, to sue for the penalties, any other person may sue for, and recover the same, &c.

customs are hereby impowered and required to take) that the same, and every part thereof, shall be exported as aforesaid, and not landed again in any part of his Majesty's dominions; which said securities shall be discharged without fee or reward, upon certificate returned under the common seal of the chief magistrate in any place or places beyond the seas, and out of his Majesty's dominions, or under the hands and seals of two known *English* merchants of such place, that the goods were there landed, or upon proof by credible persons that such goods were taken by enemies, or perished in the seas, the examination and proof thereof being left to the judgement of the said commissioners; which commissioners are hereby impowered, from time to time, to call upon the person or persons who have entered into such security to produce such certificate or proof as aforesaid.

XIV. Provided always, and it is hereby further enacted, That if any officer or officers of the customs shall neglect or refuse, for the space of one month after such condemnation as aforesaid, to prosecute to effect any person or persons for any pecuniary penalty or forfeiture by this act inflicted upon offenders against the same; that then it shall be lawful for any person or persons whomsoever, to sue for, prosecute and recover the respective pecuniary penalties and forfeitures by this act inflicted, in like manner as is herein before directed with regard to the officers of the customs; and one moiety of the said pecuniary forfeitures, when recovered, shall, in such case, go and be applied to the use of his Majesty, his heirs and successors, and the other moiety to the person or persons who shall sue or prosecute for the same respectively.

C A P. XLIX.

An act to prevent the inconveniencies arising from the present method of issuing notes and bills by the banks, banking companies and bankers, in that part of Great Britain called Scotland.

Preamble.

WHEREAS a practice has prevailed in that part of Great Britain called Scotland, of issuing notes, commonly called Bank Notes, for sums of money payable to the bearer on demand, or in the option of the issuer or granter, payable at the end of six months, with a sum equal to the legal interest, from the demand to that time: and whereas notes, with such option as aforesaid, have been and are circulated in that part of the united kingdom to a great extent, and do pass, from hand to hand, as specie, whereby great inconveniencies have arisen: for remedy whereof, may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the fifteenth day of May, one thousand seven hundred and sixty six, it shall not be lawful for any person or persons whatsoever, bodies politick or corporate, to issue or give,

From and after 15 May, 1766, no notes to be issued in Scotland, and

give, or cause to be issued or given, within that part of *Great Britain* called *Scotland*, any note, ticket, token or other writing, for money, of the nature of a bank note, circulated, or to be circulated, as specie, but such as shall be payable on demand, in lawful money of *Great Britain*, and without reserving any power, or option of delaying payment thereof for any time or term whatsoever; and that from and after the said fifteenth day of *May*, one thousand seven hundred and sixty six, all notes, tickets, tokens, or other writings, for money, of the nature of a bank note, issued previous to the said day, and circulated as specie in that part of the united kingdom, shall, and they are hereby declared and adjudged to be payable, on demand, in lawful money aforesaid; any option, condition, or other clause therein contained to the contrary notwithstanding.

II. Provided always, That nothing contained in this act shall prevent any person or persons, bodies politick or corporate, from issuing post bills, payable seven days after sight, in the same manner as they are at present issued by the bank of *England*.

III. And be it further enacted by the authority aforesaid, That all and every person and persons whatsoever, bodies politick or corporate, and the legal administrators of such person or persons, bodies politick or corporate, who shall, after the said fifteenth day of *May*, one thousand seven hundred and sixty six, issue or cause to be issued, any note, ticket, token or other writing, for money, of the nature of a bank note, circulated, or to be circulated, as specie, contrary to the directions of this act before-mentioned, and to the true meaning and intent thereof, shall, for every such offence, forfeit and pay to the person or persons who shall inform or prosecute for the same, five hundred pounds sterling, with full costs of suit; to be sued for and recovered, by way of complaint, before the court of session, upon fifteen days notice to the person or persons, bodies politick or corporate, complained of; which complaint the said court of session is hereby authorized and required summarily to determine, without abiding the course of any roll.

IV. And for rendering the payment of all notes, accepted bills, post bills, tickets, tokens, or other writings, for money, of the nature of a bank or banker's note, circulated, or to be circulated, as specie, in that part of the united kingdom, more effectual, be it further enacted by the authority aforesaid, That from and after the passing of this act, summary execution shall proceed upon every such note, accepted bill, post bill, ticket, token or other writing, at the instance of the holder thereof, against the person or persons, bodies politick or corporate, and the legal administrators of such person or persons liable in payment of the same, not only for the sum or sums therein contained, but also for the interest thereof, from the time of demanding payment; and that a protest, taken at the office of the person or persons, bodies politick or corporate, liable, in payment of the same, between the hours of nine in the morning and three in the afternoon, for not payment, or for not marking of any

circulated as specie, but what shall be payable on demand;

and notes issued, and circulated as specie, previous to the said day, shall be payable on demand, notwithstanding any optional clause to the contrary;

Post bills, payable at seven days sight, excepted;

and persons acting contrary hereto, forfeit 500*l*.

with full costs of suit.

Summary execution may proceed upon every such note, in order to enforce payment of the principal and interest.

Method of protesting where payment is denied, &c.

any

any such note, accepted bill, post bill, ticket, token, or other writing, shall be registerable in the courts of session, or other competent judicatories, at any time within six months after the date of such protest; that letters of horning, upon a charge of six days, and the other usual execution of the law of *Scotland*, may pass thereupon, in the same manner as is competent by the law of *Scotland*, upon protests of bills of exchange and inland bills duly registered.

No suspension
to pass, but
upon a dis-
charge of the
note, or tender
made,

with all
charges.

Overcharge
in the account
of expences
may be sued
for at common
law;
as may also
the damages
arising from
an undue de-
lay of pay-
ment of the
note.

Protest may
be made of se-
veral notes
jointly.

V. And be it further enacted by the authority aforesaid, That no suspension or list of such charge, or other execution, shall pass, but upon a discharge by the holder of the note or notes, accepted bills, or post bills, so protested; or upon an offer or tender made to him or her, in the form of an instrument, duly signed by a notary publick and two witnesses, of the full contents of such note or notes, bill or bills, with the legal interest thereof from the date of the protest, and also of the expences of the protest, registration, and such diligence as shall have followed thereupon, to be certified by an account under the hand of the holder of such note or notes, accepted bills, post bills, or other writings, aforesaid, all in lawful money of *Great Britain*: saving and reserving always to the person or persons, bodies politick or corporate, who shall make such payment, their action at common law, before any competent court, for repetition of any overcharge in such account of expences; and to the person or persons who shall have protested such note or notes; his, her or their action, before any competent court, for what further damages he, she or they, may have incurred by the undue delay of payment.

VI. And for preventing the unnecessary expence and delay of protesting each note, accepted bill, post bill, ticket, token, or other writing aforesaid, separately, be it enacted by the authority aforesaid, That the holder of such notes, accepted bills, post bills, tickets, tokens, or other writings, after prefixing to his or her protest the full tenor and contents of any one note, accepted bill, post bill, ticket, token, or other writing aforesaid, issued by the person or persons, bodies politick or corporate, against whom such protest is to be taken, may and shall subjoin thereto the dates and numbers of all other notes or writings aforesaid, of the same tenor and contents whereof he or she shall then demand payment; which protest, being duly registered as aforesaid, shall be sufficient warrant for issuing letters of horning, and all other execution of the law for payment of the contents of the whole notes, accepted bills, post bills, tickets, tokens, or other writings aforesaid, so specified in the protest; any law, usage, or custom, to the contrary notwithstanding.

VII. And whereas a practice has of late prevailed in that part of the united kingdom, of issuing and circulating notes as specie, of the nature of bank notes, for small sums, less than twenty shillings lawful money of *Great Britain*, whereby great inconveniencies have arisen: for remedy whereof, be it further en-

enacted by the authority aforesaid, That from and after the first day of *June*, one thousand seven hundred and sixty five, no note, accepted bill, post bill, ticket, token or other writing, circulated, or which may be circulated, as specie, in the manner of a bank or banker's note, shall be issued, re-issued, or given out, as specie, by any person or persons, bodies politick or corporate, their servants or agents, in that part of the united kingdom, for any sum or sums of money less than twenty shillings lawful money of *Great Britain*; any law, usage or custom to the contrary notwithstanding: and that the person or persons, bodies politick or corporate, their servants or agents, who shall, after the said first day of *June*, issue, re-issue, or give out, any note, accepted bill, post bill, ticket, token, or other writing aforesaid, for any sum less than twenty shillings, shall, for every such offence, forfeit and pay the sum of five hundred pounds sterling, with full costs of suit, to the person or persons who shall inform or prosecute for the same; to be sued for and recovered by way of summary complaint, before the court of session; to be proceeded in, in manner before directed.

VIII. Provided always, That nothing herein contained shall be interpreted to prevent the holders of all such notes, accepted bills, post bills, tickets, tokens, or other writings aforesaid, for sums less than twenty shillings, from passing the same in payment until the first day of *June*, one thousand seven hundred and sixty six, or from demanding payment thereof from the person or persons, bodies politick or corporate, who issued the same, at any time.

From and after 1 June, 1765, no note to be issued, and circulated as specie, for a less sum than 20s. ster.

on forfeiture of 500l. with full costs of suit.

Holders of small notes not prevented hereby from passing the same, until 1 June, 1766, or from demanding payment thereof at any time.

C A P. L.

An act to enlarge the powers of, and to render more effectual, the several acts, passed in the second, third and fourth years of his present Majesty's reign, for paving, cleansing, lighting and otherwise regulating the squares, streets and other places, within the city and liberty of Westminster, and other parts in the said acts mentioned; and for extending the provisions of the said acts to the Surrey side of Westminster Bridge; and for enlarging the powers of the said acts with respect to squares.

WHEREAS an act was made in the second year of the reign of his present Majesty, intituled, An act for paving, cleansing, and lighting the squares, streets and lanes, within the city and liberty of *Westminster*, the parishes of *Saint Giles in the Fields*, *Saint George the Martyr*, *Saint George Bloomsbury*, that part of the parish of *Saint Andrew's Holbourn* which lies in the county of *Middlesex*, the several liberties of the *Rolls and Savoy*, and that part of the duchy of *Lancaster* which lies in the county of *Middlesex*, and for preventing annoyances therein, and for other purposes there mentioned: and whereas another act was made in the third year of the reign of his present Majesty, to explain, amend, and render more effectual, the said last mentioned act: and whereas

Preamble.

an-

another act was made in the last session of parliament, to explain, amend and render more effectual, the said two last mentioned acts and whereas the commissioners for putting the said three several acts in execution, have made some further progress in the trusts thereby reposed in them, but find that all the said acts are defective with respect to some of the powers thereby given, and that the said several acts cannot be effectually put in execution, so as to answer the good purposes thereby intended, unless some new powers are granted, and the said several acts in other respects amended, and made more effectual: may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled,

Where any of the water companies pipes shall break,

and notice be given thereof, by the commissioners supervisor, to the companies pavior, to whom he deems such pipe to belong, he is to open the ground within 2 days.

and if the pipe is found to belong to some other company, the supervisor is to give notice accordingly;

and such pavior is to repair the same, and fill in the ground within six days, and give immediate notice of having so done to the commissioners

after the passing of this act, as it shall happen, that any pipe or pipes belonging to any of the water companies, who furnish the city and liberty of *Westminster*, and the parishes and places comprized within the said former act, or this act, or any or either of them, with water, break or burst in any of the squares, streets, lanes, courts, yards, alleys, passages or places, which shall be begun to be paved by virtue of the said former acts, or of this act, or any or either of them, it shall and may be lawful to and for the supervisor to the said commissioners for the time being, or any other person or persons the said commissioners, or any three or more of them, shall appoint for that purpose, to give immediate notice to the pavior of the water company to whom he apprehends such pipe or pipes does or do or may belong, acquainting him in what square, street or place, such pipe or pipes so burst or broke up lay, and requiring him to take up the pavement, and open the ground at or near the place where the water shall or may issue by reason of such pipe or pipes breaking or bursting, within two days next after notice given to such pavior, or left at his last or usual place of abode; and if, upon taking up the pavement and opening the ground, it shall appear, that the pipe or pipes so broke or burst do not belong to the water company whose pavior shall have taken up such pavement, and opened such ground; that then, and in such case, the supervisor to the said commissioners for the time being, or such other person or persons who shall be appointed for that purpose by the said commissioners in manner aforesaid, shall give notice to the pavior of that company to whom it shall appear that the said pipe or pipes belong; such notice to be given or left with such pavior, or at his last or usual place of abode; and the pavior of the company to whom such pipe or pipes shall belong, is hereby required to repair the same, and fill in the ground within six days after such notice given or left as aforesaid; and, within twelve hours after such pipe shall be repaired and the ground filled in, give notice to the person or persons contracting with the said commissioners to relay the pavement so broke or taken up for the reasons aforesaid, or to the supervisor to the said commissioners, or such other person or persons

as shall be appointed by the said commissioners in manner afore- contractor or
 said, of such pipe or pipes being repaired, and such ground be- supervisor.
 ing filled in, such notice to be given to such contractor, super-
 visor, or other person, or left at his or their last or usual place
 of abode: and in case it shall happen that the pavior who first The pavior
 receives notice to take up the pavement and open the ground in the first
 for the purposes aforesaid, shall take up such pavement and open instance is t
 such ground, and it shall then be discovered that the pipe or his trouble.
 pipes which is, are, or shall be burst or broke, doth or do not
 belong to the company to whom he is pavior; that then, and in
 such case, the pavior of the company to whom such pipe or pipes
 belong shall make satisfaction to the pavior who so took up such
 pavement and opened such ground for such work: and in case Pavior neg-
 the pavior to whom such notice shall be so given to take up such lecting to open
 pavement and open such ground, shall neglect or refuse to do the ground
 the same within the said two days after notice given; he shall within two
 for the first offence, forfeit and pay the sum of twenty shillings; days after no-
 for the second offence, the sum of forty shillings; tice, forfeits,
 third and every other offence the sum of three pounds; and for the for the first
 case the pavior of the company to whom such pipe or pipes so offence, 20s.
 broke or burst shall belong, shall neglect or refuse to repair and for the second,
 amend such pipe or pipes, and fill in the ground so taken up, 40s. and for
 for the space of six days next after such notice given, or shall every subse-
 neglect to give notice to the person or persons contracting with quent offence
 the said commissioners to relay the pavement so broke or taken 3l.
 up for the reasons aforesaid, or to the supervisor to the said com- and neglect-
 missioners, or to such other person or persons as shall be ap- ing to repair
 pointed by the said commissioners in manner aforesaid; such the pipes, and
 pavior shall, for the first offence, forfeit the sum of twenty shil- fill in the
 lings; for the second offence, the sum of forty shillings; and ground within
 for the third and every other offence, the sum of three pounds; six days,
 and if the person or persons contracting with the said commis- or to give the
 sioners to relay such pavement so broke or taken up for the rea- notice requir-
 sons aforesaid, shall neglect or refuse to relay such pavement in ed;
 a good, sufficient, and effectual manner, within two days after forfeits, for
 such notice given to him as aforesaid; or if the supervisor, or the first of-
 other person to whom such notice shall be given, shall neglect fence, 20s.
 to acquaint the contractor of such notice; then and in every for the second,
 such case, the person or persons so offending shall, for the first 40s. and for
 offence, forfeit the sum of twenty shillings; for the second of- every subse-
 fence, the sum of forty shillings; and for the third and every quent offence,
 other offence, the sum of three pounds. 3l.
 not giving him due notice, forfeit in like manner.

II. And be it further enacted by the authority aforesaid, That Pavors ap-
 the several and respective paviers now appointed, or hereafter pointed by the
 to be appointed, by the said several and respective water com- water com-
 panies, shall, and they are hereby required, within the space of panies, not
 three days next after the passing of this act, or within the space giving imme-
 of three days next after he shall be appointed pavior to the commis- diate notice
 Vol. XXVI. I i such sioners super-
 vior of their
 names, places

of abode, and
respective di-
stricts;

forfeit, for
the first of-
fence, 20 s.
for the se-
cond, 40 s.
and for every
subsequent
offence, 3 l.

Sewers to be
repaired and
cleansed

within six
days after
notice given
to the com-
missioners, or
their survey-
or;
and in de-
fault thereof,
the same may
be repaired
and cleansed
by the com-
missioners un-
der this act;
the expence
to be paid by
the treasurer
of the com-
missioners of
sewers,

or an action
for the money
may be
brought a-
gainst him.

such company or companies, to give notice in writing to the supervisor for the time being to the said commissioners, or to such other person or persons as shall be appointed by the said commissioners, or any three or more of them, for that purpose of his the said pavior's name, place of abode, to what company he is pavior, and in what district he has the care of such company or companies pipes; and in case any such pavior or pavors shall neglect or refuse to give such notice within the respective times aforesaid, every such pavior so offending in either of the said cases, shall, for the first offence, forfeit the sum of twenty shillings; for the second offence, the sum of forty shillings; and for the third and every other offence, the sum of three pounds.

III. And be it further enacted by the authority aforesaid, That when and so often as any sewer or drain, which is or shall be under the direction of the commissioners of sewers, shall require to be made new, repaired, altered, cleansed, or emptied, in any of the squares, streets, lanes, courts, yards, alleys, passages, or places, which have been or shall be begun to be paved by virtue of this and the said three former recited acts; that then, and in every such case, the said commissioners of sewers shall within six days after notice given to or left for their surveyor for the time being, at his last or usual place of abode, effectually repair, clean, and empty, such sewer or drain, as the case may require; and in default thereof, that it shall and may be lawful to and for the said commissioners appointed by the said three former acts, or this act, or any three or more of them, or their surveyor or surveyors for the time being, to cause such sewer or drain to be made new, repaired, altered, cleansed, or emptied, as the case may require, or so much thereof as shall remain unfinished; the charges and expences whereof shall be paid by the commissioners for putting the said three former acts, and this act, in execution, who shall be reimbursed the same by the clerk or treasurer for the time being to the said commissioners of sewers: and in case the said clerk or treasurer to the said commissioners of sewers shall neglect or refuse to pay what shall have been so paid and disbursed, within ten days next after notice thereof shall be left at the dwelling-house or last place of abode of such clerk or treasurer, which notice shall be in writing, and signed by the clerk to the commissioners for putting this and the said three recited acts in execution, and annexed to the bill, containing an account of such charges and expences; it shall and may be lawful to and for the said last mentioned commissioners, or any three or more of them, and they are hereby authorized and empowered to bring, or cause to be brought, any action or actions, in the name or names of their treasurer or treasurers for the time being, against such clerk or treasurer of the commissioners of sewers for the time being, for the recovery of such sum or sums of money, as they shall have so expended for the purposes aforesaid; in which action or actions, no essoin, protection, or wager of law, or more than one imparlance, shall be allowed.

IV. And be it further enacted by the authority aforesaid, That when and so often as any of the pavement or pavements, in any of the squares, streets, lanes, courts, yards, alleys, passages, or places, which shall be begun to be paved by virtue of this or the said three former acts, shall be taken up by the commissioners of sewers for the purpose of making new, altering, repairing, cleansing, or emptying, any sewer or sewers, drain or drains, under the direction of the commissioners of sewers, the surveyor for the time being to the said commissioners of sewers shall, so soon as such sewer or sewers, drain or drains, shall be made new, altered, repaired, cleansed, or emptied, as the case may be, give immediate notice to the person or persons contracting with the said commissioners to relay the pavement so broke or taken up for the reasons aforesaid, or to the supervisor to the said commissioners, or such other person or persons as shall be appointed by the said commissioners in manner aforesaid, in order that the pavement or pavements so taken up may be relaid and replaced under the direction of the said commissioners surveyor or surveyors, or such other person or persons as the said commissioners, or any three or more of them, shall appoint for that purpose; and in case such surveyor to the commissioners of sewers shall make default in giving such notice twelve hours after such sewer or sewers, drain or drains, shall be so made new, altered, repaired, cleansed, or emptied, as the case may be, the said surveyor to the said commissioners of sewers shall forfeit and pay the sum of forty shillings.

Where the sewers shall be repaired and cleansed,

immediate notice thereof is to be given to the commissioners pavior, or supervisor, for relaying the pavement;

on forfeiture of 40 s.

V. And whereas the clause in the said recited act of the fourth year of his present Majesty, which relates to the commissioners of sewers making new or additional, or repairing or altering any of the old grates belonging to the said commissioners of sewers, in any of the squares, streets, lanes, courts, yards, alleys, passages, or places, which had been or should be begun to be paved by virtue of that and the two former acts, has been found ineffectual; by reason there is no provision in the said clause to recover any money which shall be expended by the commissioners appointed by the said last recited act, or the two former acts, where the commissioners of sewers shall neglect or refuse to make new, repair, alter, or lay down, grates in the manner by the said clause directed, and also by reason that the meetings of the said commissioners of sewers are frequently intermitted for a considerable time; be it therefore enacted by the authority aforesaid, That the said commissioners of sewers shall, and they are hereby required, within the space of one month next after the passing of this act, to appoint some fit and proper person to receive all such notice or notices which the said commissioners, or any three or more of them, or their surveyor or surveyors, shall have occasion to send, from time to time, for the making new or additional, or for repairing or altering any of the old grates belonging to the said commissioners of sewers, in any of said squares, streets, lanes, courts, yards, alleys, passages, or places, which have been or shall be begun to be paved

Commissioners of sewers to appoint a person to receive notices occasionally sent them from the commissioners under this act;

in default of such appointment, notices may be left with their clerk; and if the repairs specified in such notices shall not be made good within 7 days,

the commissioners under this act may compleat the same,

and charge the expence:

and if not paid in 4 days,

may bring an action for the money.

The commissioners may order wells to be dug in proper places,

and pumps erected for watering the streets;

by virtue of this and the said three former acts; and in case of the death of such person, or removal from his office, to appoint another in his stead at their first meeting next after such death or removal; and in default of such appointment, from time to time, that then such notice or notices shall be given to or left for the clerk or clerks for the time being to the said commissioners of sewers, at his or their usual office, dwelling, or place of abode; and in case the person or persons, to whom such notice or notices shall be given or left in manner aforesaid, shall neglect or refuse to make new, repair, alter, and lay down, or cause or procure to be made new, repaired, altered, and laid down, such grate or grates as shall be specified in such notice or notices, for the space of seven days next after such notice or notices shall be given or left in manner aforesaid, it shall and may be lawful to and for the said commissioners appointed by the said recited acts, or this act, or any three or more of them, or their surveyor or surveyors for the time being, to cause such grate or grates as shall be necessary to be made new, repaired, altered, and laid down, to be so made new, repaired, altered, and laid down; the expence whereof shall be paid by the person or persons to whom such notice or notices shall be given or left as aforesaid; and in case of nonpayment thereof within four days next after notice in writing, to be signed by the clerk to the said commissioners for paving, appointed by the said recited acts, or this act, or by order of the said commissioners, or any three or more of them, given or left at the office, or usual dwelling, or place of abode, of such clerk or clerks, person or persons; it shall and may be lawful for the said commissioners appointed as aforesaid, or any three or more of them, to bring, or cause to be brought, any action or actions in the name of their treasurer for the time being, against any clerk or clerks, person or persons, for the recovery of the money so expended by the said commissioners on the account aforesaid; in which action or actions no essoin, protection, or wager of law, or more than one imparlance, shall be allowed.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners, or any three or more of them, to cause to be dug and sunk in such place or places in any of the squares, streets, lanes, courts, yards, alleys, passages, or places, which shall be begun to be paved by virtue of the said former acts, and of this act, or in any square, street, lane, court, yard, alley, passage, or place, adjoining to such square, street, lane, court, yard, passage, or place, which shall have so been begun to be paved (provided it does not exceed ten yards in distance) as they, or any three or more of them, shall think necessary and convenient, any well or wells; and also to erect any pump or pumps on or near the same, for the purpose of watering all or any part of the several squares, streets, lanes, courts, yards, alleys, passages, or places, to be completed by virtue of the said former acts, and of this act,

act, or either of them, in such manner as the said commissioners, or any three or more of them, shall direct.

VII. And whereas several of the lanes, courts, yards, alleys, passages, and places, which lead out of or into the squares, streets, lanes, and other places, which have been or may be completed by virtue of the said recited acts, or of this act, are inhabited by poor persons; and several of the houses in such places are frequently let out in tenements, and the inhabitants and occupiers of such places, having no conveniency to lay or deposit their dust or ashes, the same is often thrown, cast, or laid in the lanes, courts, yards, alleys, passages, and places, which are not paved, cleansed, and lighted, under the direction of the said commissioners, and also in such squares, streets, lanes, and other places, out of or into which such lanes, courts, yards, alleys, passages, and places, lead, and which are paved under the direction of the said commissioners, to the great annoyance of the inhabitants and passengers: for remedy whereof, be it enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners, or any three or more of them, to cause to be made or erected in any of the squares, streets, lanes, courts, alleys, passages, or places, which shall be begun to be paved by virtue of the said former acts, or of this act, or either of them, or in any of the lanes, courts, yards, alleys, passages, and places, which are not paved, cleansed, and lighted, under the direction of the said commissioners, as they the said commissioners, or any three or more of them, shall think necessary and convenient, such a number of moveable or fixed dust boxes, dust holes, or other conveniencies wherein dust and ashes may be deposited, until the respective scavenger or scavengers shall take and clear away the same.

and may also cause a number of dust boxes, or dust holes, to be erected where necessary,

for depositing dust and ashes, till removed by the scavenger.

VIII. And be it further enacted by the authority aforesaid, That all and every the powers, authorities, directions, provisions, regulations, clauses, matters, and things whatsoever, contained in the said recited former acts, and this act, or either of them, shall extend to that part of the road adjoining to the abutments of *Westminster Bridge*, on the *Surry* side thereof, which now is paved with stone of any sort, as effectually, to all intents and purposes, as if the respective powers, authorities, directions, provisions, regulations, clauses, matters, and things, in the said acts, or either of them, contained, were herein repeated and specially enacted.

Powers, &c. of the former acts, and this act, extended to the *Surry* side of *Westminster Bridge*;

IX. Provided always, and be it enacted by the authority aforesaid, That nothing in the said former acts, or in this act, contained, shall extend, or be construed to extend, to *Westminster Bridge*, or the abutments thereof, or in any manner to affect, alter, or repeal, any of the powers, authorities, trusts, estates, or interests, given to, or vested in, the commissioners for building a bridge cross the river *Thames*, from the city of *Westminster* to the opposite shore in the county of *Surry*, in or by virtue of any act or acts of parliament.

but so as not to interfere with the powers vested in the commissioners for the said bridge,

X. And whereas it frequently happens, by reason that the

Rates to be made by the commissioners upon the lands, houses, and other tenements, in courts and passages where scavengers cannot come with their carts,

so as not to exceed 3d. in the pound of the rent, as assessed to the poor rate, in order to defray the expence of removing the dirt, and cleansing such places; the rates to be paid quarterly as the poor rates;

and the persons paying the same are discharged from the parochial scavengers rate.

Commissioners impowered to assess new buildings covered in, or

commissioners do not at present pave, cleanse, or light, any courts, yards, alleys, passages, or places where the scavengers cannot come with their carts, which lead out of, into, or immediately communicate with, the several streets and places which have been hitherto paved, cleansed, and lighted, by and under the direction of the said commissioners, great inconveniencies have arisen to the several inhabitants of the said places which are not paved, lighted, and cleansed, under the direction of the said commissioners, by the parish scavenger frequently neglecting to come into those places to take away the dust, ashes, and other filth, from their respective houses, and to clean such places; be it therefore enacted by the authority aforesaid, That from and after the passing of this act, one or more rate or rates, assessment or assessments, shall, twice in every year, or oftener, if it shall be thought needful by the said commissioners, or any five or more of them, be made, laid, and assessed, by the said commissioners, or any five or more of them, upon all and every the lands, houses, shops, warehouse, cellars, vaults, or other tenements, within such courts, yards, alleys, passages, or places, as aforesaid, in such competent sum or sums of money as the said commissioners, or any five or more of them, shall yearly and every year, order and direct, so as such rates or assessments do not exceed in the whole the sum of three pence in the pound in any one year of the yearly rent of such lands, houses, shops, warehouses, cellars, vaults, or other tenements, as the same shall have been ascertained and rated towards the relief of the poor in such parish or place respectively, for each preceding year, in order to defray the expence of carrying away such dust, ashes, and other filth, and cleansing such places; which rate or rates, assessment or assessments, shall be paid quarterly, by such person and persons, and in such proportion, manner, and form, as the rates towards the relief of the poor are now paid; and with such powers and authorities as are directed by the said several recited acts for the recovery of the rates and assessments to be levied and raised for paving, cleansing, and lighting, the squares, streets, lanes, courts, yards, alleys, passages, and places, comprised in said recited acts, and this act, or any or either of them; and the person or persons paying such rate or rates, shall be and are hereby discharged from the payment of the parochial scavengers rate; any thing in this or any former act to the contrary notwithstanding.

XI. And whereas several houses, and other buildings, are very frequently erected, and so far finished as to have the roofs covered in, and others so much further finished as to be fit for tenants to dwell therein; but for want of being let or tenanted, through the negligence of the owners, and for other causes, are not rated to the poor, and therefore cannot be charged with any rate or assessment by virtue of any of the said recited acts; be it therefore enacted by the authority aforesaid, That until such houses, or other buildings, shall be rated to the poor, it shall and may be lawful to and for the said commissioners, or any five

five or more of them, and they are hereby required, when and at such time and times as the rates and assessments hereby, and in the said recited acts, or either of them, are directed to be made, to rate and assess all such houses, and other buildings, situate, standing, lying, and being, within the said parishes and places comprised within the said recited acts, or this act, or either of them, which are or shall be erected and covered in, or are fit to be inhabited, at a rate not exceeding six pence for every square yard of land or ground belonging to the fronts or sides of such house, or other building, to be laid, received, recovered, and applied, in such manner as other rates and assessments are directed to be laid, received, recovered, and applied, by the said former acts, or this act, or either of them.

finished though untenanted;
not exceeding 6 d. per yard of the fronts or sides of such buildings.

XII. And whereas the clause in the said first recited act, which relates to the inflicting penalties on persons who shall set out, lay, drive or carry, or cause or procure, permit or suffer, to be set out, laid, drove or carried, any coach, cart, dray, waggon, or other carriage, wheels, timber, stones, or any other material, matter, or thing, which may occasion any annoyance, nuisance, or obstruction whatsoever, and also suffering any cart, waggon, or other carriage, to remain longer than is needful and proper, for the loading or unloading thereof respectively, has been found ineffectual: be it therefore enacted by the authority aforesaid, That from and after the passing of this act, it shall and may be lawful to and for the person already appointed by the said commissioners, or for any other person or persons hereafter to be appointed by the said commissioners, or any three or more of them, to supervise and inspect nuisances, obstructions, and other annoyances, found in any of the squares, streets, lanes, courts, yards, alleys, passages, or places, which have been or shall be begun to be paved by virtue of this and the said three former acts, to give notice to the person or persons who shall set out, lay, drive, or carry, or cause or procure, permit or suffer, to be set out, laid, drove, or carried, any coach, cart, dray, waggon, or other carriage, wheels, timber, stones, or any other material, matter, or thing, which may occasion any annoyance, nuisance, or obstruction whatsoever, in any of the squares, streets, lanes, courts, yards, alleys, passages, or places, which have been or shall be begun to be paved by virtue of this and the said three former acts, to remove the same within the space of six hours next after such notice given; and in case the person or persons who shall so set out, lay, drive, or carry, the same, or cause the same to be so set out, laid, drove, or carried, shall not remove, or cause the same to be removed, within the space of six hours, every such person and persons so offending shall, for the first offence, forfeit the sum of ten shillings; for the second offence, the sum of twenty shillings; and for the third and every other offence, the sum of forty shillings.

All obstructions and nuisances in the streets, and other places, to be removed within six hours after notice given by the commissioners supervisor;
on forfeiture, for the first offence, of 10 s. for the second, of 20 s. and for every subsequent offence, 40 s.

XIII. And whereas the terrasses and steps on the west side of Saint James's Street, are very incommodious and inconvenient to foot passengers and sedan chairs, and accidents frequently

The commissioners are empowered, upon making satisfaction to the proprietors, to remove the terrasses and steps on the west side of Saint James's Street, the porch at Arthur's chocolate house, and the sheds and porch at Exeter exchange ;

and to sell the materials :

And if the parties interested shall refuse to treat for the sale of the premises, after notice given,

or shall not agree about the price,

happen thereby : and whereas the porch fixed or adjoining to a certain house on the east side of the said street, and commonly called or known by the name of *Arthur's chocolate house*, breaks in upon the foot pavement : and whereas the shops or sheds built against and adjoining to the south side of *Exeter exchange* in the *Strand* ; and also the porch belonging to the said exchange on the south side thereof, cause that part of the *Strand* to be very narrow and incommodious to passengers, both in carriages and on foot : be it therefore enacted by the authority aforesaid, That upon payment of such sum or sums of money as shall be agreed to be paid for the premises above mentioned, or such part or parts thereof as shall be thought necessary by the said commissioners, or any five or more of them, to be pulled down, removed, and taken away, for the purpose of making the said streets and places more safe and commodious to the publick ; or if no agreement or contract shall be made, then upon making satisfaction, in manner herein after mentioned, to the owner or owners of, and person or persons interested in, such premises, it shall and may be lawful to and for the said commissioners, or any five or more of them, to take down, or cause or procure to be taken down, the said terrasses and steps, and to fill up and discontinue the cellars, vaults, and other buildings, under the same ; and also to take down and remove the said porch, and the rails, steps, and fences, belonging thereto, in *Saint James's Street* aforesaid ; and likewise the said shops or sheds built against or adjoining to the south side of *Exeter exchange* aforesaid, and the porch erected against or adjoining to the said exchange on the south side thereof, or any part or parts of such premises respectively, as shall be necessary for the purposes aforesaid ; and cause the materials thereof to be removed and taken away, or sold, and the money arising from such sale to become the property of the commissioners, and to be disposed of for the before mentioned purposes : and this act shall be sufficient to indemnify the said commissioners, and all persons authorized by them, against the heirs, executors, administrators, or assigns, of any of the said owners or occupiers, as if the same had been sold by deed of feoffment, bargain and sale, or other assurance in the law, or by fine and recovery, or by any other conveyance whatsoever.

XIV. And be it further enacted by the authority aforesaid, That if any body politick, corporate, or collegiate, corporation aggregate or sole, feoffees in trust, executors, administrators, guardians, committees, or other trustees, femes-covert, or any other person or persons whomsoever, in any wise interested in any of the said premises, upon ten days notice to them given, or left in writing at the house or houses, place or places of abode, of such person or persons, or of the treasurer, secretary, clerk, or other officer officiating as secretary, clerk, or treasurer, of such body politick, corporate, or collegiate, or aggregate or sole, or at the house, shop, shed, or other place, of the tenant in possession of such premises, shall neglect or refuse to treat, or shall

shall not agree for the sale of any such premises, or any part or the commissioners may cause the value and damages to be inquired into, and assessed by a jury :

parts thereof, or for their interest therein ; then, and in every such case, the said commissioners, or any five or more of them, shall cause the value of the premises to be inquired into and ascertained, by and upon the oath of a jury of twelve indifferent men of the city and liberty of *Westminster*, or county of *Middlesex*, as the case shall require (which oath the said commissioners, or any five or more of them, are hereby impowered and required to administer) what damages will be sustained by, and what recompence and satisfaction shall be made to, such owners, occupiers, or proprietors, or other person or persons interested in the premises before mentioned, or any part or parts thereof, which the said commissioners shall want to remove, pull down, or take away, for their respective interests therein ; and in order thereunto, the said commissioners, or any five or more of them, are hereby impowered and required, from time to time, as there shall be occasion, to summon and call before the said jury, and examine upon oath all persons whatsoever, who shall be thought necessary or proper to be examined as witnesses touching or concerning the premises ; which oath the said commissioners, or any three or more of them, are hereby impowered and required to administer ; and if any of the parties interested shall request the same, or the said commissioners, or any five or more of them, shall think it necessary, shall also cause the said jury to view the place or places in question, and shall use all other lawful ways and means, as well for their own as for the said jury's better information in the premises, in such manner as they the said commissioners, or any five of them, shall think fit ; and after the said jury shall have so inquired of, ascertained, and settled, such damage and recompence, they the said commissioners, or any five or more of them, shall thereupon order and adjudge the sum or sums of money so assessed by the said jury for such premises as aforesaid, to be paid to the persons interested in the said premises, or any part or parts thereof, according to the verdict or inquisition of the said jury ; which said verdict and inquisition, and the order and adjudication so had and made, shall be final and conclusive to all intents and purposes, against all parties or persons whatsoever, claiming in possession, reversion, remainder, or otherwise, their heirs, executors, or administrators, and successors respectively, as well absent as present, infants, femmes-covert, lunatics, ideots, and persons under any other disability whatsoever, bodies politick, corporate, or collegiate, aggregate or sole, as well as all other person or persons whomsoever ; and all and every such owners, occupiers, and proprietors, and all and every person and persons in any wise interested in the premises, or any part or parts thereof, shall thereby be, from and after the money so assessed and adjudged as aforesaid, shall be paid, tendered, or left, as herein after directed, to all intents and purposes, divested of all right, title, claim, interest, or property, of, in, to, or out of, the same.

and may examine upon oath such witnesses as shall be necessary touching the premises, and order the jury to view the places in question, &c.

Commissioners to adjudge the money assessed to be paid to the parties interested ; and such verdict and adjudication is to be final and conclusive ; and the parties and thereupon to be divested of the premises.

XV. And be it further enacted by the authority aforesaid, That

Commissioners to issue warrants to the high bailiff or sheriff, for summoning and returning such jury;

who are to summon and return such jury accordingly; and for want of a sufficient number appearing, any of the standers-by may be returned.

Jury may be challenged.

Commissioners impowered to fine the high bailiff and sheriff, or their deputies, making default in the premises; as likewise the jury and evidences not doing their duty.

Where the parties interested cannot be found, or disputes shall be depending in the courts, &c.

the sums assessed, &c. for the premises,

That for the summoning and returning of such jury or juries, the said commissioners, or any five or more of them, are hereby impowered, from time to time, to issue their warrant or warrants to the high bailiff of *Westminster*, or to the sheriff of the said county, thereby requiring him or them to impanel, summon, and return, an indifferent jury of twenty four persons to appear before the said commissioners, or any five or more of them, at such time and place as in such warrant shall be appointed, of which time and place all parties interested shall have ten days notice given or left in manner herein last before mentioned; and the said high bailiff or sheriff, or his deputy or deputies, is and are hereby required to impanel, summon, and return, such twenty four persons accordingly, and out of the persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such summons, the said commissioners, or any five or more of them, shall cause to be sworn twelve, who shall be the jury for the purposes aforesaid; and for default of a sufficient number of jurymen, the said high bailiff or sheriff, or his or their deputy or deputies, shall return so many of the standers-by as shall be necessary to make up the number of twelve to serve on such jury.

XVI. Provided always, and be it further enacted by the authority aforesaid, That all persons concerned shall, from time to time, have their lawful challenges (but not to challenge the array of the pannel) against any of the said jurymen when they come to be sworn; and the said commissioners, or any five or more of them, acting in the premises, shall have power from time to time, to impose any reasonable fine or fines on such high bailiff or sheriff, his or their deputy or deputies, bailiffs, or agents, making default in the premises, and on any of the persons that shall be summoned and returned on such jury, and shall not appear or refuse to be sworn on the said jury, or to give their verdict, or in any manner wilfully neglecting their duty therein, contrary to the true intent and meaning of this act; and on any of the persons who, being required to give evidence touching the premises, shall refuse to be examined or to give evidence, and from time to time to levy such fine or fines, in such manner as any penalties in the said recited acts are directed to be levied and received, so as that no such fine shall exceed the sum of ten pounds upon any one person for any one offence.

XVII. And be it further enacted by the authority aforesaid, That in case such person or persons, to whom such sum or sums of money shall be so assessed or due as aforesaid, cannot be found, or if, by reason of disputes depending in any court of law or equity, or for default of evidence, or otherwise, it shall not appear to the said commissioners what person or persons is or are intitled, or if any mortgagee or mortgagees shall refuse to take in his, her, or their mortgage money due on the premises after notice given him, her, or them for that purpose; then, and in all and every such case or cases, it shall and may be lawful to and for the said commissioners, or any five or more of them, to order

der the sum or sums so assessed and awarded as aforesaid, or as may be paid shall be due on such mortgage, to be paid into the bank of *into the bank,* *England* in the name of the treasurer of the said commissioners for the time being, and of any three or more of the said commissioners, for the use of the parties interested in the said pre- *for the use of* misses, to be paid to them, and every of them, according to *the said parties.* their respective estates and interests in the said premises as the said commissioners, or any five or more of them, shall, by any order to be made by them, direct.

XVIII. And whereas frequent applications have been made to the commissioners by the inhabitants of particular squares, streets, and places, requesting them to new pave such squares, streets, and places, and take them under the direction of the said commissioners; and offering to lend money at interest upon the rates of such squares, streets, and places: and whereas it is apprehended, That if the inhabitants of particular squares, streets, and places, or others, would raise among themselves such competent sum and sums of money as would be sufficient to new pave such particular square, street, and place, or streets and places, it would be a means of greatly forwarding the several works under the direction of the said commissioners; be it therefore further enacted by the authority aforesaid, That it shall and may be lawful to and for the inhabitants of any particular square, street, or place within the liberty, parishes, and places, comprised in the said former acts, or this act, or any or either of them, or any other person or persons whatsoever, to raise from time to time such competent sum or sums of money as shall be sufficient to new pave such particular square, street, or place, so as three fourths of the owners and occupiers of houses in such particular square, street, or place, shall be willing and consenting to the new paving, and putting the same under the direction of the commissioners; and such sum and sums of money, when so raised, shall be paid to the said commissioners, or any three or more of them, or to their treasurer or treasurers for the time being, or to such other person or persons as the said commissioners; or any three or more of them, shall direct and appoint; and which money, when so paid and received, shall be deposited in the bank of *England*, and thence issued and applied by the said commissioners, or any three or more of them, for new paving such particular square, street, or place: and it shall and may be lawful to and for the said commissioners, or any five or more of them, by any writing or writings under their hands and seals, to assign over and convey the rate or rates, assessment or assessments, of such particular square, street, and place, and as a security for the repayment of the sums so raised and received for the purposes aforesaid, with legal or lower interest for the same; and also to lay such further rate as may be necessary for the purposes of cleansing, lighting, and keeping in repair, such particular square, street, or place; and the treasurer or treasurers for the time being to the said commissioners shall, from time to time, keep the accounts of receipts and disburse-

Where the inhabitants, &c. of any particular square or street shall raise a competent sum for the new paving thereof, and shall consent to put the same under the direction of the commissioners, and pay in the money accordingly;

the commissioners may assign over the rates as a security for repayment of such sums, with interest.

Treasurer to keep a separate account

of the receipts and disbursements, and other transactions relating to such square or place.

Surplus money to be placed out at interest, till it amount to a competent sum for paying one or more creditors.

The inhabitants to be previously convened, in order to give their assent or dissent to such measure.

Persons neglecting to attend, deemed to assent.

Where the occupier shall have a term of 7 years, or more, unexpired, his assent only is necessary; but where he shall not have such term, the person under whom he holds may give his assent or dissent to the new paving.

bursements, and other business and transactions relating to such particular square, street, or place, separate and distinct from the other accounts and transactions of the commissioners: and if any sum or sums of money shall at any time remain, over and above what shall be sufficient to new pave such square, street, or place, and pay the interest of the sums raised and received, such sum or sums shall be applied towards paying off the sum or sums of money so borrowed as aforesaid; and for that purpose may be placed out at interest on government securities, in the name of any three or more of the commissioners for the time being, at such times and in such manner as the said commissioners, or any three or more of them, shall direct or appoint, till the same shall amount to a competent sum for paying one or more creditor or creditors lending money on such particular square, street, or place.

XIX. Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to authorize or empower the said commissioners to new pave any such particular square, street, or place, upon application to them by the inhabitants thereof as aforesaid, unless one month's notice at the least of such application shall be published in the *London Gazette*, requiring the owners and occupiers of houses in such particular square, street, or place, to meet at the time and place in such notice to be mentioned, to signify their assent to, or dissent from, the new paving such particular square, street, or place, as shall be specified in such notice; and also unless notice in writing shall be left at every house, then occupied in such particular square, street, or place, one month at the least before the time of such meeting; and also unless three fourths of the owners and occupiers of houses in such particular square, street, or place, shall consent thereto in writing under their respective hands; and in case any owner or occupier shall neglect to attend such meeting, according to such respective notices, he or she so neglecting, shall be deemed to have given his or her assent to the new paving such particular square, street, or place as aforesaid.

XX. Provided always, That where the occupier of any house within any such particular square, street, or place as aforesaid, shall have at least a term of seven years unexpired therein at the time such notices shall be given as aforesaid, or any longer term, that then, and in every such case, the assent of the owner of such house shall not be necessary to be had or obtained for the purpose aforesaid; and where the occupier of any house within any such particular square, street, or place, as aforesaid, shall not have such term therein, at the time such notices shall be given as aforesaid, that then, and in every such case, the person under whom such occupier holds shall be deemed to be the owner thereof for the purposes aforesaid; and every such person may, as well as the occupier of such house, attend the meetings pursuant to such notices aforesaid, and give his, her, or their assent to, or dissent from, the new paving such particular square, street,

street, or place, as shall be expressed in such notices respectively.

XXI. And be it further enacted by the authority aforesaid, That copies of assignments and conveyances made in or by virtue of and in pursuance of this act, shall be entered in a book or books to be kept for that purpose by the treasurer or clerk to the said commissioners; and all and every person and persons to whom any such assignment or conveyance shall be made as aforesaid, is and are hereby impowered, from time to time, by assignment under his, her, or their hand or hands, and to be indorsed on the back of his, her, or their security, or by any other writing or writings, which shall be executed in the presence of two or more credible witnesses, to assign over or transfer his, her, or their right to the principal or interest money thereby secured to any person or persons whomsoever; all which assignments or transfers shall be produced and notified to the said treasurer or clerk within thirty days after the date thereof, who shall cause an entry of such assignment or assignments, containing the date, names of the parties, and sums of money therein mentioned to be assigned and transferred, in the said book or books to be kept for entering the said original assignments and conveyances, for which the treasurer or clerk shall be paid the sum of two shillings and six pence, and no more; and which said book or books shall and may at all seasonable times be perused and inspected without fee or reward by any person or persons interested in such security or securities, assignment or assignments; and after such entry made, such assignment and transfer shall intitle such assignee, his, her, and their executors, administrators, and assigns, to the benefit thereof, and payment thereon, and such assignee may in such manner assign or transfer again, and so *toties quoties*; and it shall not be in the power of any persons who shall have made such assignment or transfer, to make void, release, or discharge the same, or any monies thereon due.

XXII. Provided always, and be it enacted, That nothing in the said former acts, or this act, contained, shall extend, or be construed to extend, to any place or places which are paved, cleansed, and lighted, under any particular act or acts of parliament.

XXIII. And be it enacted by the authority aforesaid, That when any defective or bad pavement shall be mended, altered, or repaired, by the order or direction of the said commissioners, or any three or more of them, by virtue of the powers given by the act passed in the third year of his present Majesty's reign, and which shall adjoin to, or belong to, any lands, houses, shops, warehouses, cellars, vaults, or other tenements, or any part or parts thereof, within the said city and liberty, parishes and places, comprized in the said last recited act, which shall, at any time from and after the passing this act, be occupied or held by any ambassador or minister from any foreign prince or state, or other person or persons not liable by law to pay the charges and expences of such amending, altering, or repairing; that then,

Entry to be made of all assignments and conveyances.

Method of assigning and transferring.

Assignments to be produced and notified within 30 days to the treasurer or clerk, and an entry to be made thereof, upon paying 2s. 6d. Books of entry may be inspected gratis;

and assignments may be made *toties quoties*.

These acts not to extend to places paved, cleansed, or lighted, under any particular act. The charges of repairing pavements belonging to houses occupied by ambassadors or foreign ministers.

are to be paid by the commissioners, who are to be reimbursed by the owners ;

then, and in every such case, the charges and expences thereof shall be paid by the said commissioners, who shall be reimbursed and paid the same by the owner or owners, proprietor or proprietors, of such lands, houses, shops, warehouses, cellars, vaults, or other tenements respectively; and in case of non-payment thereof, within ten days next after notice in writing to be signed by the clerk to the said commissioners for the time being, by order of the said commissioners, or any three or more of them, and annexed to a copy of the bill, containing an account of the expence of such repairs, given or left at the last or most usual place of abode of such owner or owners, proprietor or proprietors, to pay the same; or in case such respective place of abode shall not be known, then within ten days next after such notice in writing, signed as aforesaid, shall be affixed on some conspicuous part of such land, or left for such owner or owners, proprietor or proprietors, with any person or persons in such house, shop, warehouse, cellar, vault, or other tenement respectively, the said commissioners, or any three or more of them, shall and may, if they think proper, bring, or cause to be brought, any action or actions, in the name of their treasurer for the time being, against any such owner or owners, proprietor or proprietors, for such charges and expences; in which action or actions no escoia, protection, or wager of law, or more than one imparlance shall be allowed.

and they may bring an action for the same.

Commissioners may order monies for the charges of such works to be issued accordingly.

XXIV. And be it further enacted by the authority aforesaid, That from and after the passing of this act, it shall and may be lawful to and for the said commissioners, or any three or more of them, to issue money, or cause the same to be issued, for payment of bills for any work or works that has or have been ordered to be done and performed by such a number of commissioners as is directed by any of the said former acts, upon such work or works being so done and performed.

All writings to be tax-free.

XXV. And be it further enacted by the authority aforesaid, That no nomination, appointment, order, contract, bond, warrant, precept, judgement, conviction, assignment, indorsement, transfer, or other writing whatsoever, under the hand and seal, or hands and seals of, or only signed by, any commissioner or commissioners, or justice or justices of the peace, or exhibited before them, or under the hand and seal, or hands and seals of, or only signed by, any other person or persons whatsoever, relating to the execution of this act, or the said two last recited acts, shall be charged or chargeable with any duty whatsoever.

Commissioners recovering in any action brought by them,

XXVI. And be it further enacted by the authority aforesaid, That if any action or actions shall be brought by order of the said commissioners, or any three or more of them, against any person or persons whatsoever, for the recovery of any money or monies laid out or expended by the said commissioners, by virtue of the said three former acts, or of this act; and a verdict shall be had and given against such person or persons against whom such action or actions shall be brought; such person or persons shall pay double costs; and the plaintiff or plaintiffs in such

are to have double costs.

such action or actions, shall have such remedy and remedies for recovering the same, as any plaintiff or plaintiffs may have for his, her, or their costs, in any other cases by law.

XXVII. Provided always, and be it further enacted by the authority aforesaid, That if any person shall think himself aggrieved by any thing done in pursuance of this act, and for which no particular method of relief hath been already appointed, such person may appeal to the justices of the peace at any quarter sessions of the peace to be held for the county or place wherein the cause of complaint shall arise and within three months after the cause of such complaint shall have arisen; such appellant first giving, or causing to be given, twenty one days notice at the least in writing, of his or her intention to bring such appeal and of the matter thereof, to the clerk or treasurer to the said commissioners; and within two days after such notice, entering into recognizance before some justice of the peace for such county or place, with two sufficient sureties, conditioned to try such appeal at, and abide the order of, and to pay such costs as shall be awarded by the justices at such quarter sessions: and the said justices at such sessions, upon due proof of such notice being given as aforesaid, and of the entering into such recognizance, shall hear and finally determine the causes and matters of such appeal in a summary way, and award such costs to the parties appealing or appealed against, as they the said justices shall think proper; and the determination of such quarter sessions shall be final, binding, and conclusive, to all intents and purposes.

Persons aggrieved may appeal to the quarter sessions,

giving notice of such intention,

and entering into a recognizance.

Justices to hear and determine appeals in a summary way.

XXVIII. And be it further enacted by the authority aforesaid, That all penalties and forfeitures by this act imposed (the manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by distress and sale of the offenders goods and chattels, by warrant under the hand and seal of such justice of the peace for the said county of *Middlesex*, or the city and liberty of *Westminster*, as the case may be, which warrant such justice is hereby empowered and required to grant, upon the confession of the party or parties, or upon the information of any one or more credible witness or witnesses upon oath (which oath such justice is hereby empowered to administer) and the penalties and forfeitures when recovered, after rendering the overplus (if any be) upon demand, to the party or parties whose goods and chattels shall be so distrained and sold (the charges of such distress and sale being first deducted) shall be paid to the treasurer to the said commissioners for the time being, and be applied towards the purposes of this act.

Penalties and forfeitures how to be recovered and applied.

XXIX. And be it further enacted by the authority aforesaid, That no proceeding to be had touching the conviction of any offender or offenders against this act, or any order made, or other matter or thing to be done or transacted in or relating to the execution of this act, shall be vacated or quashed for want of form, or be removed by *Certiorari*, or any other writ or process

Proceedings not to be quashed for want of form, nor removable by *Certiorari*.

Limitation of
actions,

whatsoever, into any of his Majesty's courts of record at *Westminster*; any law or statute to the contrary notwithstanding.

General issue

XXX. And be it further enacted by the authority aforesaid, That no action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, until twenty one days notice shall be thereof given in writing to the clerk or treasurer to the said commissioners, or after sufficient satisfaction or tender thereof hath been made to the party or parties aggrieved, or after six calendar months next after the fact committed, for which such action or actions, suit or suits shall be so brought; and all such actions and suits shall be laid and tried in the county or place where such matters and things respectively shall be committed or done, and not in any other county or place; and that the defendant or defendants in such actions and suits, and every of them, may plead the general issue, and give this act and the special matter in evidence, at any trial or trials which shall be had thereupon; and that the matter or thing for which such action or actions, suit or suits shall be so brought; was done in pursuance and by the authority of this act: and if the said matter or thing shall appear to have been so done, or if it shall appear that such action or suit was brought before twenty one days notice thereof given as aforesaid, or that sufficient satisfaction was made or tendered as aforesaid, or if any such action or suit shall not be commenced within the time before for that purpose limited, or shall be laid in any other county or place than as aforesaid; then the jury or juries shall find for the defendant or defendants therein; and if a verdict or verdicts shall be found for such defendant or defendants, or if the plaintiff or plaintiffs in such action or actions, suit or suits, shall become nonsuited, or suffer a discontinuance of such action or actions; or if, upon any demurrer or demurrers in such action or actions, judgement shall be given for the defendant or defendants therein; then, and in either of the cases aforesaid, such defendant or defendants shall have treble costs, and shall have such remedy for recovering the same, as any defendant or defendants may have for his, her, or their costs, in any other cases by law.

Treble costs.

C A P. LI.

An act for repealing several laws relating to the manufacture of woollen cloth in the county of York, and also so much of several other laws as prescribes particular standards of width and length of such woollen cloths; and for substituting other regulations of the cloth trade within the west riding of the said county, for preventing frauds in certifying the contents of the cloth, and for preserving the credit of the said manufacture at foreign markets.

Preamble reciting act,
7 Anne.

WHEREAS an act was made in the seventh year of the reign of her late majesty Queen Anne, intituled, An act for the better ascertaining the lengths and breadths of the woollen cloth made

made in the county of York : and whereas another act of parliament was made and passed in the eleventh year of the reign of his late majesty King George the First, intituled, An act for the better regulating the manufacture of cloth in the west riding of the county of York : and whereas another act of parliament was made and passed in the seventh year of the reign of his late majesty King George the Second, intituled, An act to explain and amend an act passed in the eleventh year of the reign of his late majesty King George the First intituled, *An act for the better regulating the manufacture of cloth in the west riding of the county of York* : and whereas another act of parliament was made and passed in the fourteenth year of the reign of his late majesty King George the Second, intituled, An act for continuing an act passed in the seventh year of the reign of his present Majesty, *To explain and amend a former act passed in the eleventh year of the reign of his late majesty King George the First, for the better regulating the manufacture of cloth in the west riding of the county of York*, and for making the said acts more effectual; which said several acts of parliament, notwithstanding the many good provisions and directions therein contained, have nevertheless been found by experience not to be effectual for the preventing the frauds, abuses, and deceits, which are frequently used and practised in the manufacture of woollen cloth within the west riding of the said county of York, particularly in the unreasonable stretching and straining the said cloths; which ill practices tend very much to the debasing, undervaluing, and discrediting of the said manufacture, both at home and in foreign parts beyond the seas, where great part thereof hath been usually vended; be it therefore enacted, by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said several recited acts of parliament of the eleventh year of his late majesty King George the First, and of the seventh and fourteenth years of his late majesty King George the Second, and every clause, matter, and thing, therein respectively contained, and so much of all and every other act or acts heretofore made as relate to the ascertaining the length, breadth, or weight, of woollen cloths, within the said west riding of the county of York, shall, from the twenty fourth day of June, one thousand seven hundred and sixty five, be repealed.

11 Geo. 1.

7 Geo. 2.

& 14 Geo. 2.

The said recited acts repealed.

II. And, for preventing frauds, deceits, and abuses, for the future, be it enacted by the authority aforesaid, That the justices of the peace for the said west riding of the county of York, (not being dealers in woollen cloth, or occupiers of any fulling mill) at their next quarter sessions of the peace, to be holden for the said riding, next after the twenty fourth day of June, one thousand seven hundred and sixty five, or at some adjournment of the same, and at their general quarter sessions of the peace, to be holden next after Easter yearly, shall and may, and they are hereby authorized and required to choose and appoint so many men, of good character and repute, within the said rid-

Justices to appoint searchers and measurers.

ing, (being persons following, or having been brought up in the manufacture of woollen cloth in the said riding, and being under the age of sixty years) as they shall think convenient, to be searchers and measurers of cloth within the said riding, and to appoint and station such measurers and searchers so to be chosen, at such mills and other places, and in such manner as to the said justices, at their general or adjourned sessions, shall seem meet and convenient; and shall and may assign, allow, and appoint, to the said searchers and measurers, so appointed, such yearly salaries, as the said justices, at their said general or adjourned sessions, or the major part of them, shall think proper.

When the
searchers shall
measure and
seal,

III. And it is hereby further enacted, That such of the said searchers and measurers as shall be appointed to, or stationed at, any mill or mills within the said riding, shall and may, and they are hereby authorized and directed, at their respective fulling mills, where they shall respectively be stationed or placed, to measure all the cloths, and ends or half cloths, which shall be there milled respectively, at the respective times, and in manner herein after mentioned; that is to say, such cloths or ends as shall be streamed or washed in the goit or mill stream of the said mills respectively, shall be measured within six, and not sooner than four hours after the same shall be streamed or washed; and such cloths or ends as shall not be so streamed or washed, shall be measured within four hours after the same shall come out of the stock; and every such searcher and measurer shall affix, or cause to be affixed, on one end of every such cloth, before it shall be carried from the mill, a seal of lead, to be furnished and provided by the maker of such cloth, and shall rivet the seal, so to be affixed by him on every such cloth, and stamp, in words and figures, plainly to be read and distinguished, upon the seal or rivet, his name, and the length and breadth of every such cloth, together with the number of each of such cloths, milled at such fulling mill successively, beginning at the time of his entering to his said office with number one, and proceeding progressively, until the twenty fifth day of *March* then next ensuing; and on the said twenty fifth day of *March* then next ensuing, and on every succeeding twenty fifth day of *March*, beginning again with the same number one, and proceeding progressively in numbers, during the year then ensuing; and immediately after the said cloth shall be measured, sealed and stamped as aforesaid, the said searcher and measurer, measuring and stamping the same, shall enter in a book, to be provided by the treasurer, and kept by such searcher or measurer for that purpose, the name and place of abode of the maker of every such cloth, and the colour or sort of such cloth, together with the length, breadth, and number on the seal; and shall give, at the least once in every month, to the supervisor within whose district the said mill shall be situate, an account of all the cloths milled, measured, and stamped at such mill during such month; and the owner or maker of such cloth shall pay to the said

said searcher and measurer, for measuring and sealing of such cloth, the respective sums following; *videlicet*,

For the seal of every whole or long cloth, containing in length thirty five yards or upwards, the sum of six pence. and what shall be paid for the same, and how applied.

And for every end or half cloth, containing less than thirty five yards, and more than thirty yards in length, the sum of four pence.

And for every end or half cloth, containing less than thirty yards in length, the sum of three pence.

Which said sums shall be accounted for and paid by such searcher or measurer, to the treasurer of the west riding for the time being, to be applied for such purposes as are herein after directed.

IV. And it is hereby further enacted by the authority aforesaid, That if any searcher or measurer shall neglect or refuse to measure and stamp any such cloth, end or half cloth or to give such monthly account, or give a false or fraudulent account of the cloths by him measured and stamped as aforesaid, such searcher or measurer, being thereof legally convicted on the oath of one or more credible witness or witnesses, before any such justice or justices of the peace as aforesaid, shall, for the first offence, forfeit and pay the sum of twenty shillings, one moiety whereof shall be paid to the informer or informers, and the other moiety to the treasurer for the said riding; and for the second offence shall forfeit or lose his office or place, and be forever after rendered incapable of being appointed a searcher or measurer of woollen cloth. Penalty on searchers neglect.

V. And be it further enacted, That no cloth maker shall take away his cloth from any such fulling-mill, in case the same hath been streamed or washed, before the same hath laid six hours after it hath been so streamed or washed, or before such cloth hath lain four hours after it has come out of the stock (in case it shall not be washed or streamed) unless such cloth shall be sooner measured and stamped in manner hereby directed, by the searcher or measurer, at the mill where such cloths shall respectively be milled or fulled; and if any cloth maker shall take away his cloth from the mill before the same shall be so measured and stamped, or before the sum of money, hereby directed to be paid for the measuring, sealing, and stamping thereof, be duly paid and satisfied, or shall take away his cloth after nine of the clock in the evening, or before five of the clock in the morning, unless the same shall be measured and stamped; every person so offending in any of the said cases, and being thereof convicted upon the oath of such searcher or measurer, or of the inspector or supervisor herein after directed to be appointed, or of any other credible witness, before one or more justice or justices of the peace for the said riding, or any corporation within the same (such justice or justices not being traders or dealers in the woollen manufacture, or farmers or occupiers of a fulling-mill) every person

Makers not to take cloths from the mills before they are measured and stamped.

son so offending, shall, for every such offence, forfeit and pay the sum of twenty shillings, to be levied and recovered in such manner as is herein after mentioned, and to be applied and disposed of in manner following; that is to say, one moiety thereof to the informer, and the other moiety to the treasurer of the west riding of the county of *York*.

Cloths to be sealed before they are put upon the tenters.

VI. And it is hereby further enacted by the authority aforesaid, That every maker of cloth, commonly called *Broad Cloth*, within the said riding, after every cloth, end or half cloth, shall be brought from the fulling mill, and before the same shall be put upon the tenter, shall measure the same, and shall affix, or cause to be affixed, on the other end of every such cloth, one other such seal of lead, and shall rivet the same, and stamp upon such seal or rivet, in figures plainly to be seen and distinguished, the length and breadth of every such cloth.

Justices to appoint inspectors of fulling mills,

VII. And be it further enacted by the authority aforesaid, That the justices of the peace for the said west riding of the county of *York*, (not being dealers in woollen cloth, or occupiers of any fulling mill) at their quarter sessions of the peace to be holden for the said riding next after the twenty fourth day of *June*, one thousand seven hundred and sixty five, or at some adjournment of the same, and at their general quarter sessions of the peace to be holden after *Easter* yearly, shall and may, and they are hereby authorized and required to chuse and appoint so many men, of good character and repute, within the said riding, not exceeding twelve in number, to be inspectors of all cloths, called *Broad Woollen Cloths*, and the workshops, tenters, tenter grounds, and warehouses of the merchants or dressers where any such cloths, made and milled within the said riding, shall be dressed or tentered, and to appoint and station the said inspectors to inspect and examine such and so many work-shops, tenter grounds, tenters, and warehouses, and in such districts, towns, parishes, or places, and in such manner, as to the said justices, at their general or adjourned sessions, or the major part of them, shall think proper; and also the said justices, at their said sessions, shall and may, and they are hereby directed to chuse and appoint such and so many men of good repute, within the said riding, not exceeding four in number, to be supervisors of the several fulling mills within the said riding, and of the conduct and behaviour of the several searchers and measurers appointed and stationed at such mills respectively, and of all cloths called *Broad Woollen Cloths*, and the workshops, tenters, tenter grounds, and warehouses, of the merchants or dressers where any such cloths made and milled within the said riding, shall be milled, dressed, or tentered, and of the conduct and behaviour of the several inspectors so to be chosen and appointed as aforesaid; and to appoint and station the said supervisors respectively in such districts, towns, parishes, or places, in such manner as to the said justices, at their general or adjourned sessions, or the major part of them, shall think proper, in order to prevent the false stamping and undue stretching of woollen cloths,

who are to conform to the rules of the general quarter sessions, and to take an oath.

cloths, and to enforce the due observation of this act; and shall and may assign, allow, and appoint, to the said inspectors, such yearly or other salaries as the said justices, at their quarter sessions to be held next after the twenty fourth day of *June*, one thousand seven hundred and sixty five, or at the said general or adjourned sessions to be held yearly after *Easter*, or the major part of them, shall think proper; provided that no such salary shall be less than twenty pounds for one year, nor less in proportion for part of a year; and also shall and may, at the same times, assign, allow, and appoint, to the said supervisors, such yearly or other salaries, as they shall think proper and convenient; provided that no such salary shall be less than forty pounds, and ten pounds more if their duty require them to keep a horse, to one supervisor for one year, nor less in proportion for part of a year; and all and every such searcher and measurer, inspectors and supervisors, before he or they shall enter upon the duty of his or their said office, shall severally and respectively take the following oath, before one or more justice or justices of the peace for the said riding; that is to say,

I A. B. do swear, That I will well and truly, to the best of my The oath.
skill and power, execute the office of a searcher and measurer, or an inspector or supervisor (as the case may be) of woollen cloth, within the west riding of the county of York.

So help me G O D.

VIII. And be it further enacted by the authority aforesaid, That the said supervisors so to be chosen and appointed shall, and they are hereby required to be daily employed in visiting the several and respective mills, tenters, tenter grounds, work shops, and places, within the respective districts allotted to them as aforesaid, where any such cloths shall be milled, dressed, or tented, and shall, out of the number of cloths which shall come under their several and respective inspections, measure and mark with a seal of lead, whereon shall be impressed or stamped the name of such supervisor, so many of such cloths as they conveniently can, or their time will allow, and shall keep a regular and distinct account of such cloths as they shall severally examine, measure, and mark, and shall transmit the same, together with the accounts by them respectively received from the searchers and measurers at the several mills within their respective districts, to the justices of the peace, at every quarter sessions held for the said riding; and if any of the said inspectors or supervisors shall be negligent or remiss in his duty, or shall transmit a false account of the cloths by him or them respectively measured and marked as aforesaid, such inspector or supervisor shall forfeit and lose his office.

IX. And be it further enacted, That if any of the said inspectors or supervisors shall find any cloth or cloths falsely stamped by any of the measurers or searchers, above two inches in breadth, or above one yard in length, such inspector or supervisor

Supervisors to visit mills and tenter grounds.

How inspectors are to act if they find cloth falsely stamped.

visor shall, within seven days after the same shall be discovered, give information thereof to one of his Majesty's justices of the peace within the said riding (not being a dealer in woollen cloth, or occupier of any fulling mill) and on conviction of such measurer or searcher, before any such justice of the peace as aforesaid, such searcher or measurer shall forfeit and pay, for every such offence, the sum of ten shillings, to be recovered as any other penalty is hereby directed to be recovered; one moiety whereof shall be paid to the informer, and the other moiety to the treasurer for the said riding.

How inspectors shall be appointed, in case of death, &c.

X. Provided always, and be it further enacted by the authority aforesaid, That if any person, who shall be so appointed, to be a searcher and measurer, or an inspector or supervisor of cloth, shall happen to die, during the year in which he is so appointed, or shall be removed or displaced from his said office, or shall by sickness, or any other accident, be rendered incapable of executing the said office, that then, and in any of the said cases, it shall and may be lawful for any one of such justices of the peace as aforesaid, living near to the place where such searcher and measurer, inspector or supervisor, did or shall reside, to appoint some other proper person, properly qualified, to supply the place of such searcher and measurer, inspector or supervisor, until the next *Easter* sessions, to be there, by the major part of such justices present, confirmed, or another person appointed in his place; or in case of sickness, or other accident, during the sickness or incapacity of such searcher and measurer, inspector or supervisor; and the person so confirmed or appointed shall take the same oath, and be invested with the same powers, and liable to the same penalties for any breach or neglect of duty, as the searchers and measurers, inspectors or supervisors, respectively elected or to be elected at the *Easter* sessions, by virtue of this act, are or ought to be.

Inspectors to enter shops where they shall suspect any undue stamped or stretched cloths.

XI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for every such inspector or supervisor, from time to time, as occasion shall require, in the day-time, to enter into any shop or shops, out-house or out-houses, tenter grounds or ware-house, of any merchant or merchants, dresser or dressers, or any other dealer in cloth, or any fulling mill, or any out-house or out-houses, or other places belonging thereto respectively, within the said riding, to search for any woollen cloth, which he shall suspect to be falsely or unduly stamped, or be stretched or strained more than is allowed by this act, or any alteration made in the seal or seals, contrary to the direction, true intent and meaning of this act; and for the better discovering of such abuse, to measure, or cause to be measured, any such cloth; and in case of resistance or refusal by any person, to permit and suffer such inspector or supervisor to enter the said places, or any of them, for the purposes aforesaid, the person so resisting or refusing shall forfeit the sum of ten pounds, on conviction thereof before any such justice of the peace; and if such inspector or inspectors shall at any time find
any

any woollen cloth, after the times herein directed for sealing the same, without the seal or seals hereby directed to be put thereon, or such seal or seals defaced, counterfeited, or altered, except it shall appear that such seal or seals was or were accidentally lost or maliciously taken off, or that any of such cloths appear, by the lowest of the marks, stamps, or seals, to be over stretched or strained, either in breadth or length, beyond the dimensions allowed of and provided for by this present act, or that the name and place of abode of the maker of such cloths shall be cut out or altered; in such case the owner of such cloth, or the person in whose custody such cloth shall be found, shall, for every such offence, forfeit not exceeding the sum of five pounds, nor less than forty shillings. Penalty on offenders.

XII. Provided nevertheless, That nothing herein contained shall extend, or be construed to extend, to give any power or authority to such inspector or inspectors, to be appointed pursuant to this act, to search and examine such cloths as shall be pressed and packed up for exportation. Proviso.

XIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the justices of the peace for the said west riding, or the major part of them, at their general quarter sessions of the peace to be held yearly after *Easter*, and they are hereby impowered to make and issue such further orders and directions, to the several officers to be appointed by virtue of this act, for the more effectual execution thereof, as to them shall seem meet; all which regulations, orders, and directions, the several searchers, measurers, inspectors, and supervisors, so to be appointed, shall, and they are hereby required to obey and perform. Justices to make regulations.

XIV. Provided always, and it is hereby further enacted by the authority aforesaid, That if the merchant or buyer of any such cloth shall have cause to suspect the real and true lengths and breadths of such cloth not to be the same as stamped upon such seal or seals, such merchant or buyer shall and may, for proof thereof, have the liberty, within six weeks next after his buying the same (if such cloth shall not before then have been raised, dressed, or dyed) and upon two days notice given in writing to all the parties, who measured and stamped the said cloth, to put such cloth into cold water, for any time not exceeding four hours, and, immediately after the same shall be taken out of the water, to cause the same to be measured by some sworn inspector or supervisor of cloth in and for the said riding; and if, upon such admeasurement last-mentioned, there shall be found a less or smaller quantity of cloth in length or less or smaller quantity in breadth, in more than one half part of the length thereof than is mentioned on any of the seals affixed to such cloth; in every such case the searcher, measurer, or supervisor, who measured and stamped the said cloth, being convicted of having wilfully and knowingly affixed such false and fraudulent seals to such cloth, upon the oath of the inspector or supervisor who last measured the said cloth as aforesaid, or of Where merchants suspect frauds, they may wet the cloths, and have them measured by the inspector.

any other credible witness, before one or more such justice or justices of the peace for the said riding, or any corporation within the same (not being dealers in woollen cloth, or occupiers of any fulling mill) shall, for every such offence, forfeit and pay the respective penalties and sums following; that is to say,

Penalty on conviction.

For two inches in breadth, or one yard in length, that such cloth shall fall short of the measure stamped and marked on the seals thereto affixed, the sum of five shillings; and

For every other inch in breadth, or yard in length, so overstamped, the sum of ten shillings.

The said penalties, after deducting thereout the costs and charges of such prosecution and conviction, to be paid and applied as follows; *videlicet*, one moiety to the informer, and the other moiety to the treasurer of the west riding of the said county of York, for the purposes herein after-mentioned.

Where false seals are, found, the inspector is to fix new seals, which are to be the rule of payment for the cloths.

XV. And be it enacted by the authority aforesaid, That in all such cases, upon such second admeasurement of any such clothes as aforesaid, where any of the seals affixed shall be found not to contain the just lengths and breadths of such cloths, then, and in every such case, the inspector or supervisor, who, upon such information and complaint as aforesaid, measured the same, shall affix on every such cloth new seals, to be made and fixed as aforesaid, which shall contain the true lengths and breadths of the said cloth, and that the length and number of yards, by such inspector or supervisor so stamped on such seals as aforesaid, shall be the rule of payment for such cloth by the merchant or buyer thereof, save only that such merchant or buyer (in order to discourage the vending or exposing to sale of any such cloth with such defective and fraudulent seals) shall and may, and he is hereby authorized and empowered, to deduct and retain to himself, out of the price of such cloth, upon which the maker, searcher, measurer, or supervisor thereof shall have fixed such defective and fraudulent seals as aforesaid, the value or amount of so many yards thereof, out of the number of yards in length so stamped upon such seals by such inspector or supervisor who last measured and stamped the same as aforesaid, as the said cloth shall fall short in inches of breadth, or yards in length, of the length and breadth respectively expressed on the former fraudulent seal so affixed by the maker.

Treasurer to deduct money forfeited out of inspectors salaries.

XVI. And it is hereby enacted and declared, That it shall and may be lawful to and for the said treasurer to deduct and detain the sums of money to be forfeited by the searchers and measurers, inspectors and supervisors respectively, out of the yearly salaries of such searchers and measurers, inspectors and supervisors respectively, as such salaries respectively shall become due and payable.

Persons charged with frauds may examine the cloths in the merchant's hands, &c.

XVII. And be it further enacted, That every offender or offenders, against whom such information shall be made as aforesaid, shall and may, and are hereby authorized and empowered, within two days after notice of such information to him or them given, to go to the house of the merchant, buyer, or

owner

owner of the cloth in such information mentioned, and request to see the said cloth, to examine that the crimes and facts so charged upon them be just, and that no frauds have been committed by the merchant, buyer, or owner of the same; and that upon the merchant, buyer, or owner of such cloth refusing to permit and suffer such offender or offenders to see or examine such cloth as aforesaid, such prosecution, so intended to have been made against such offender or offenders, shall be at an end and cease; and any conviction to be made thereupon shall be void, and of none effect.

XVIII. And be it further enacted by the authority aforesaid, That every clothier and maker of such cloth shall, at the time of making thereof, weave or sew into the head of the cloth, in distinct letters or words, plain to be read, at length, the name and place of abode of such clothier and maker; and if any clothier or maker of such woollen cloth shall, after the twenty fourth day of *June*, one thousand seven hundred and sixty five, expose to sale any cloth without such seals as before directed, or without such name and place of abode so woven and sewed into such cloth, in words at length, plainly to be seen and read, such clothier or maker, so offending, and being thereof lawfully convicted upon the oath of any one or more credible witness or witnesses, made before any such justice or justices of the peace for the said riding, or any corporation within the same (he being no dealer in cloth, or occupier of any fulling mill) who is hereby authorized to administer the said oath, shall forfeit the sum of twenty shillings for every such piece of cloth so by him exposed to sale without such seals as aforesaid, and the sum of forty shillings for every piece of cloth so by him exposed to sale without such name and place of abode so sewed or woven into the same as aforesaid; and if any person or persons whatsoever shall willingly take off, alter, or counterfeit, deface, obliterate, or cut out, any of the aforesaid seal or seals of lead so fixed and riveted to such end or half cloth, or to such long or whole cloth, or the figures, letters, and words thereon stamped, made, or set, or therein woven or sewed, before the cloth be taken off the tenters and brought to the press, every person or persons so offending, and every person in whose custody any such cloth without seals, or with the seals defaced, cut out, or obliterated, as aforesaid, shall be found, being thereof legally convicted, for every such offence shall forfeit not exceeding the sum of five pounds, nor less than forty shillings.

Clothiers to weave their names and places of abode in the heads of their cloths.

Penalty on persons defacing or counterfeiting seals, &c, before cloth taken from the tenters.

XIX. And be it further enacted, That for every yard of cloth, exceeding the length of fifty eight yards, whether in one cloth, or in two short cloths or ends, which shall be milled in one stock, at one and the same time; the owner of such cloth or cloths shall pay to the miller of such cloth or cloths, the sum of one half-penny *per* yard, for every yard such cloth (whether consisting of one cloth only, or of two short cloths or ends) shall exceed the length of fifty eight yards, over and above the usual price for milling a stockful, or fifty eight yards of cloth.

Payments for milling long cloths.

XX. And

Justices to settle disputes between clothiers and millers.

XX. And be it further enacted by the authority aforesaid, That all disputes and demands which shall hereafter arise between the makers of such cloths as aforesaid, and the occupiers of such fulling mills, or their agents or servants, relating to the wages for fulling, milling, or scouring, of any such woollen cloths as aforesaid; shall, in case such occupiers, agents, or servants, desire the same, and the matter in dispute shall not exceed the sum of two pounds, be heard and determined by one or more justice or justices of the peace for the county, division, or place, where such disputes or demands shall arise (such justice or justices not being traders or dealers in the woollen manufacture, farmers or occupiers of a fulling mill) who is and are hereby required and authorized, upon complaint to him or them made, to summon the parties, and to hear and examine upon oath, and adjudge such damages, and give such costs, not exceeding ten shillings, to the party so aggrieved, as in his or their discretion shall seem reasonable; and to issue his or their warrant or warrants, to levy such costs and damages by distress and sale of the goods and chattels of such person or persons who shall refuse, for the space of ten days, to pay such costs or damages by him or them so adjudged.

Penalty on stretching or straining cloths.

XXI. And it is hereby further enacted by the authority aforesaid, That if any person whatsoever, after the twenty fourth day of *June*, one thousand seven hundred and sixty five, shall stretch or strain, or cause or procure to be stretched or strained, any whole or long cloth, or end or half cloth, more than one yard in length, in every twenty yards of the length thereof, or more than one inch in every twelve inches of the breadth thereof (the whole yard in breadth containing thirty six inches only) and so in proportion for cloths that are more or less in lengths and breadths, above or beyond the length or breadth of such cloth, upon the lowest of such stamps or seals, marked, set down, and expressed; then, and in such case, every person so offending, and being thereof convicted by the oath of one or more credible witness or witnesses, before one or more such justice or justices of the peace as aforesaid, shall, for every quarter of a yard in length such cloth shall be overstretched, forfeit and pay the sum of ten shillings; and for every inch in breadth such cloth shall be overstretched, forfeit and pay the sum of twenty shillings; which said sums shall be recovered and applied in the same manner as the other penalties are herein directed to be recovered and applied.

Owners of tenters to measure and mark the lengths of their tenters.

XXII. And, for the better and more easy discovery of the undue stretching and straining of cloth, be it further enacted by the authority aforesaid, That every owner or proprietor of any tenter or tenters, in the said west riding of the said county of *York*, shall, and he is hereby required, to measure such tenter or tenters as shall be made use of for tentering of cloth, and to mark or number in figures plain and fair to be seen, the true length of yards (computing thirty seven inches to each yard) of each tenter or tenters, beginning at number one, and so con-

tinuing it to the end thereof, marking and numbering each yard distinctly, plainly, and fairly to be seen, upon the top bar belonging to each tenter, on the foreside thereof; and if any such tenter or tenters shall, after the twenty fourth day of *June*, one thousand seven hundred and sixty five, be found not to be measured, and truly marked and numbered as aforesaid, the occupier of such tenter or tenters shall forfeit and pay the sum of five pounds for each tenter that shall be found not so numbered and marked as aforesaid; such penalty to be levied and recovered as any other penalty is hereby directed to be recovered and levied.

XXIII. And whereas the using of cards made with wire, or with wire teeth, in dressing of cloth, hath by experience been found to be very prejudicial to the said woollen manufacture: now, to the end the said woollen manufacture may be improved as much as possible, be it enacted by the authority aforesaid, That if any person or persons, within the said west riding of the said county of *York*, shall, from and after the twenty fourth day of *June*, one thousand seven hundred and sixty five, use, or cause to be used, in dressing of cloth, any cards made with wire, or with teeth of iron, or any other metal whatsoever; every such person or persons so using the same, shall, for every such offence, forfeit forty shillings.

XXIV. Provided always, and it is hereby further enacted, That information upon oath shall be given of the offences mentioned in this act, within the space of twenty days next after such offence shall be discovered; and all and every the offences in this act mentioned (except such for which any other remedy is hereby provided) shall be enquired of and determined, and convictions thereon made upon oath of one or more credible witnesses or witnesses, by any one or more justice or justices of the peace (not being a dealer in woollen cloth, nor occupier of any fulling mill as aforesaid) notice being first given of the charge to the person or persons therewith charged; and that all such penalties and forfeitures as shall or may happen by reason of this act, shall go and be disposed of, one half to the person or persons who shall give information of the offence on which the conviction shall be made, and the other half to the treasurer of the said riding; and if any offender or offenders shall, by the space of ten days next after he or they shall be convicted of any of the offences aforesaid, and have notice thereof to him, her, or them given, at his, her, or their dwelling house, or place of abode, refuse or neglect to pay any forfeiture by him, her, or them incurred, by reason of this act, or shall not appeal, as is herein after provided, to the quarter sessions, then, and not before, it shall and may be lawful to and for the justice or justices of the peace, before whom such conviction shall be made, or any other justice or justices of the peace for the said riding, or any corporation within the same (not being a dealer in woollen broad cloth, or occupier of any fulling mill) upon a certificate of such conviction sent to him or them, from the justice

Penalty on using cards made with wire or wire teeth.

How offences shall be prosecuted, and forfeitures applied.

stice or justices before whom such conviction was made; and he or they is or are hereby authorized and required to issue out one or more warrant or warrants, under his or their hand and seal, or hands and seals, to the constable of the town or place, or bailiff or bailiffs of the liberties, wapentakes, or limits, where such offender or offenders doth or shall inhabit, thereby commanding him or them to levy the same by distress and sale of the offender's goods and chattels, returning the overplus (if any be) after paying likewise the charges of such distress and sale, to the offender or offenders demanding the same; and where no sufficient distress can be found, to commit the offender or offenders to the house of correction, for any time not exceeding three months.

Appeal to the
quarter
sessions.

XXV. Provided always, and it is hereby further enacted by the authority aforesaid, That if any person or persons shall find him, her, or themselves, aggrieved by any order or warrant made by any justice or justices, or upon any conviction before him or them, in pursuance of this act, such person or persons may appeal to the next general quarter sessions to be held for the said west riding of the said county of *York*, which shall not be held within fourteen days next after the cause of appeal shall arise, giving ten days notice of such appeal to the person or persons discovering the offence on which the conviction was made; and if the justices at the said quarter sessions either confirm or disannul the orders or proceedings of the said justice or justices, they shall allow such costs and charges to the party aggrieved thereby, as they shall think reasonable; to be levied and paid in such manner, as is usual in cases of appeal from any order of the justices of the peace to the sessions, whose order herein shall be final.

Justices, &c.
to transmit to
the quarter
sessions ac-
counts of
convictions,
&c.

XXVI. And it is hereby enacted and declared, That the several justices of the peace before whom any conviction shall be made by virtue of this act, as also the several searchers, measurers, inspectors, and supervisors, so to be appointed, shall, and they are hereby required at the four general quarter sessions of the peace in and for the said riding, held quarterly in every year, to return and transmit to the justices of the peace assembled at such general quarter sessions, a true and perfect account in writing, of all the convictions to be made pursuant to this act that shall happen within their knowledge, and of all the penalties and forfeitures inflicted or levied by means or on account thereof, which, by virtue of this act, are made payable to the said treasurer for the time being; and shall, at the same time, pay or cause to be paid to the treasurer for the time being, all and every sum and sums of money by them, or any of them, or for their or any of their use, had or received, for, or on account of any such conviction or convictions, and which by this act are made payable to the said treasurer; and every person and persons neglecting or refusing to return and transmit such account, or to pay, or cause to be paid, such sums of money so by them received, or in their hands, or any part thereof, for the

space of twenty days next after any of the said sessions, and being thereof convicted upon the oath of one or more credible witnesses or witnesses, before any two justices of the peace of and for the said riding (not being dealers in cloth, or occupiers of any fulling mill) shall forfeit and pay the sum of ten pounds, over and above the several sums by him or them received, or being in his hands as aforesaid, to be recovered, paid, and applied, in such manner as the other penalties inflicted by this act are directed to be recovered, paid, and applied.

XXVII. And be it further enacted by the authority aforesaid, That this act, and all the penalties and clauses therein contained, shall extend to all woollen cloth which shall be made and milled in the west riding of the county of *York*; except such narrow woollen cloths as are mentioned and described, and for which provision is made in and by one act made in the eleventh year of the reign of his said late majesty King *George* the Second, intituled, *An act for the better regulating of narrow woollen cloths*,² in the west riding of the county of *York*.

This act shall extend to all woollen cloths, except such narrow cloths as are described in act 11 Geo.

XXVIII. And whereas there is now in the hands of the treasurer of the west riding of the county of *York* a considerable sum of money, which hath arisen by and out of the duties granted by the said former acts for the stamping and measuring of cloth: now it is hereby further enacted by the authority aforesaid, That the said treasurer of the said west riding for the time being, shall, out of the money remaining in his hands, and which shall hereafter be received by him on account of the duties herein before directed to be paid to such treasurer as aforesaid, in the first place, pay the charges and expences attending the passing this act, and shall afterwards pay and apply the said duties and penalties, as the same shall come in and be received, to the payment of the salaries of the searchers or measurers, inspectors and supervisors of cloth, herein before directed to be chosen and appointed as aforesaid, in such proportions, and in such manner, as the justices of the peace of and for the said riding, at their general quarter sessions yearly to be held next after *Easter*, shall direct and appoint.

Application of money now in the hands of the treasurer of the west riding.

XXIX. And it is hereby further enacted by the authority aforesaid, That after all the money to be expended in and about the obtaining this act, shall be totally paid off and discharged, it shall and may be lawful to and for the justices of the peace for the said west riding, at their general quarter sessions held next after *Easter* yearly, to make orders for the increasing or diminishing the rates or duties to be paid for measuring, stamping, and sealing of cloth, so as the same shall never exceed six pence for every such whole cloth, and three pence for every such end or half cloth as aforesaid.

When justices may increase or diminish the rates.

XXX. And be it further enacted by the authority aforesaid, That if any suit or action shall be commenced or prosecuted against any person or persons for any thing done or to be done in pursuance of this act, every such suit or action shall be commenced within six calendar months next after the fact committed,

Limitation of actions.

ted,

ted, and not afterwards; and shall be laid, brought, and tried, in the county of *York*, and not elsewhere; and the defendant or defendants in such suits or actions shall and may plead the general issue, and give this act, and the special matter, in evidence, at any trial to be had thereupon; and that the same was done in pursuance of, and by the authority of, this act; and if it shall appear to be so done, or if any such suit or action shall be brought after the time before limited for bringing the same, or shall be brought in any other county or place; that then the jury shall find for the defendant or defendants: and upon such verdict, or if the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their action, after the defendant or defendants shall have appeared; or if, upon demurrer judgment shall be given against the plaintiff or plaintiffs; the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as any defendant or defendants hath or have for costs in other cases by law.

XXXI. And it is hereby further enacted and declared, That this act shall be deemed, and taken to be, a publick act; and all judges, justices, and other persons, are to take notice thereof as such, in all courts and places whatsoever, without specially pleading the same.

C A P. LII.

An act for repairing and widening the road leading from the town of Wadhurst in the county of Sussex, to the turnpike road at Lamberhurst Pound and Pullen's Hill, in the county of Kent; and from the top of Pullen's Hill, through the parishes of Horshamonden, Marden, Yalden, and West Farley, to West Farley Street, in the said county of Kent.

C A P. LIII.

An act for continuing the terms of several acts, and for giving further powers for repairing the road from Chatteris Ferry, to Hammond's Eau and Somersham Bridge, and for amending and widening the road from Somersham Bridge to the Sheep Market in Saint Ives; and also the road branching out of the said road near Stocks Bridge through Needingworth, to Earith in the county of Huntingdon.

C A P. LIV.

An act for repairing and widening the road from Dunham Ferry, to the south end of Great Markham Common, in the county of Nottingham.

C A P. LV.

An act to continue the term, and to vary and enlarge the powers,

powers, of an act passed in the twenty fifth year of his late Majesty, for repairing the road from Wallingford in the county of Berks, to Wantage, and from thence to Faringdon, and also from Wantage to Idson, in the said county, so far as the same relate to the road leading from Wallingford to Wantage, and from thence to Faringdon; and for discontinuing the said term and powers, so far as the same relate to the road leading from Wantage to Idson, and for repairing the road leading from the north east corner of Nuffield Common, by the parish church of Nuffield, otherwise Tuffield, in the county of Oxford, to the commencement of the said turnpike road leading from Wallingford to Wantage.

CAP. LVI.

An act for repairing and widening the road leading from Porthaethwy Ferry, to Holyhead in the county of Anglesey.

CAP. LVII.

An act for continuing the term, and altering and enlarging the powers of an act passed in the thirtieth year of the reign of his late Majesty, for amending, widening, and keeping in repair, the roads leading from the village of Milford in the county of Surrey, through Petworth, to the top of Dunckton Hill, and from Petworth to Stopham Bridge, in the county of Suffex.

CAP. LVIII.

An act for repairing, widening, and keeping in repair, several roads in and near Great Torrington, in the county of Devon.

CAP. LIX.

An act for repairing and widening several roads leading from the quay at Limington, in the county of Southampton.

CAP. LX.

An act for continuing and rendering more effectual, two acts, passed in the twelfth year of King George the First, and the twentieth of his late Majesty, for repairing the several roads therein mentioned, in the counties of Essex and Suffolk; and for repairing and widening several other roads in the counties of Essex and Hertford.

CAP. LXI.

An act for repairing, widening, and keeping in repair, several

CAP. LXII.

*An act for enlarging the term and powers of two acts of the
 thirteenth of George the First, and of the sixteenth of his
 late Majesty, for repairing several roads leading from the
 town of Warminster, in the county of Wilts; and for a-
 mending several other roads near the said town; and for
 repealing so much of an act made in the first year of the
 reign of his present Majesty, for repairing several roads
 therein mentioned, in the said county, as relates to the road
 within the town of Heytesbury; and for other purposes
 therein mentioned.*

CAP. LXIII.

*An act for repairing and widening the roads leading from the
 turnpike road at Kipping's Cross in the parish of Brench-
 ley, in the county of Kent, through the parishes of Brench-
 ley, Horsmonden, and Goudhurst, by the left hand side
 of Iden Green, to the turnpike road on Willsey Green, in
 the parish of Cranbrooke; and from a place near Goud-
 hurst Gore, through the parish of Marden, to Stile Bridge,
 in the said parish, and from Underden Green, in Mar-
 den aforesaid, to Wanshutt's Green, in the county of
 Kent.*

CAP. LXIV.

*An act for repairing, widening, and keeping in repair, the
 road leading from the turnpike road on Hurst Green, in
 the county of Sussex, through Etchingam and Burwash,
 to the extent of the said parish of Burwash, in the said
 county.*

CAP. LXV.

*An act for rebuilding the parish church of Alhallows on the
 Wall, in the city of London; and for rebuilding the
 house belonging to the rector of the said parish; and for
 purchasing several pieces of ground and tenements thereon,
 to render the passages to and from the said church and
 house more commodious.*

CAP. LXVI.

*An act to continue the term, and enlarge the powers, of an
 act passed in the Second year of the reign of his present Ma-
 jesty, for repairing and widening the road from Mullen's
 Pond*

Pond, in the county of Southampton, to the eighteen mile stone from the city of Salisbury, and several other roads in the said act mentioned; and also for repairing and widening several other roads, leading out of the said roads, and for other purposes therein mentioned.

CAP. LXVII.

An act for amending the road from the Pinfold in Balby, in the county of York, to Workstop, in the county of Nottingham.

CAP. LXVIII.

An act for repairing, widening, and keeping in repair, the road leading from the turnpike road at Wrotham Heath, in the county of Kent, to the turnpike road leading from Croydon to Godstone, in the county of Surry.

CAP. LXIX.

An act for repairing and widening the roads from the south end of Newton Abbott to the passage way in Kinswear, opposite Clifton Dartmouth Hartnefs, and from the end of a lane leading out of the turnpike road between Newton Abbott and Totnes, towards Abbotts Kerfwell, to Five Lanes; and from Langvers Barn to the said turnpike road, between Newton Abbott and Totnes; and from Galmpton Warborough to Monks Bridge and Brixham Quay; and from Langvers Barn to the north end of Paington town, all in the county of Devon.

CAP. LXX.

An act for repairing and widening the roads from Keyberry Bridge to the passage at Shalldon; and from the said bridge to the pier or harbour of Torkey, in the county of Devon.

CAP. LXXI.

An act for repairing and widening the road from Tonbridge to Maidstone, and from Watt's Cross to Cowden, in the county of Kent.

CAP. LXXII.

An act for amending and widening the road from the sign of the Coach and Horses in Birstol, to the turnpike road at Nunbrook; and from Bradley Lane to the town of Huddersfield, in the west riding of the county of York.

CAP. LXXIII.

An act for repairing and widening the road from Great
 VOL. XXVI. L I Grimsby

Grimby Haven, at or near a place called the Upper Sand End, to Wold Newton Church; and from Nuns Farm to the Mill Field, in the parish of Irby, in the county of Lincoln.

CAP. LXXIV.

An act for enlarging the powers of several acts for repairing the road from Stump Cross to Newmarket Heath and the town of Cambridge, and from Foulmire to Cambridge, and other roads adjoining thereto, so far as the same relate to the road from Foulmire to Cambridge, and the said other roads adjoining thereto.

CAP. LXXV.

An act for enlarging the term and powers of so much of an act made in the twenty seventh year of the reign of his late Majesty, for repairing several roads in the counties of Dorset and Devon, as relates to the road from Penn Inn, in the county of Dorset, to the work-house at the east end of the town of Honiton, in the county of Devon, and to the road from the intrenchment on Askerwell Hill to Penn Inn, and from Bridport to Beamister; and for repairing and amending several other roads therein mentioned in the counties of Dorset and Devon.

CAP. LXXVI.

An act for repairing, widening, and keeping in repair, several roads, leading from Kidwelly, in the county of Carmarthen; and also several roads leading from Llandilo, in the said county.

CAP. LXXVII.

An act for enlarging the terms and powers of several acts of the ninth and twelfth years of Queen Anne, and of the thirteenth of King George the First, and of the fourteenth of his late Majesty, for repairing the highways leading from Royston, in the county of Hertford to Wandsford Bridge, in the county of Huntingdon, so far as relates to the middle and south divisions of the road comprized in the said acts; and for amending the road from the town of Huntingdon to the causeway at or near the west end of the town of Somersham, in the said county of Huntingdon.

CAP. LXXVIII.

An act for repairing, widening, and keeping in repair, the road

road from Welford Bridge, in the county of Northampton, through Husband's Bosworth and Great Wigston, to Milston Lane, in the town of Leicester.

CAP. LXXIX.

An act to continue the term, and alter and enlarge the powers of an act passed in the third year of his present Majesty, for repairing, widening, turning and keeping in repair, the road from the town of Cambridge to Ely, and from thence to Soham; and for building a bridge cross the river Ouze, at or near a place called Stretham Ferry, in the county of Cambridge; and for repairing and widening, and making several other roads, adjoining to the roads directed to be repaired and widened by the said act.

CAP. LXXX.

An act for continuing the terms of several acts, and for giving further powers for repairing the road leading from Chapel on the heath, in the county of Oxford, to Bourton on the Hill, in the county of Gloucester.

CAP. LXXXI.

An act for cleansing and lighting the streets, lanes, and passages, within the towns of Manchester and Salford, in the county palatine of Lancaster; and for providing fire engines and fire-men; and for preventing annoyances within the said towns.

CAP. LXXXII.

An act to enlarge certain powers granted by an act passed in the twenty second year of the reign of King George the Second, intituled, An act for enlarging and maintaining the harbour of Ramsgate, and for cleansing, amending and preserving the haven of Sandwich.

CAP. LXXXIII.

An act for amending the road from Chatteris Ferry, through Chatteris and Marsh, to Wisbech Saint Peter's; and from thence to Tid Gote in the Isle of Ely; and from Wisbech aforesaid, through Outwell, to Downham Bridge in the county of Norfolk; and for repealing the several acts for repairing the said road between Wisbech and Marsh.

CAP. LXXXIV.

An act for repairing and widening the road from Newcastle under Line to Haslop; and from Middle Hills to the

Macclesfield turnpike road, near Buxton; and also the road branching out of the said first mentioned road at Co-bridge, to Burslem; and to the Uttoxeter turnpike at Shelton, in the county of Stafford.

C A P. LXXXV.

An act for repairing and widening the roads from Bawtry Bridge, in the county of Nottingham, to Hainton, in the county of Lincoln; and from North Willingham to the north end of the lane betwixt Dexthorpe and Langton, and from West Raisin to Pilford Bridge and from the great road near Bishop Bridge to Bishop Norton Common; and from the hamlet of Morton to Epworth; and from Haxey Field, to the Trent at Kinnald Ferry, in the county of Lincoln.

C A P. LXXXVI.

An act for enlarging the term and powers of an act made in the twenty fifth year of the reign of his late Majesty, for repairing the high road from the town of Shrewsbury through Cressage, Harley, Much Wenlock, by Muckley Cross, and through Morville, to Bridgenorth, in the county of Salop; and for amending several other roads near or adjoining thereto.

C A P. LXXXVII.

An act to amend several acts passed in the fourth and sixth years of King George the First, and in the eleventh and twenty fourth years of King George the Second, for repairing several roads from the Stone's End in Kent Street, and Bermondsey Street, Southwark, to Dartford, and to the extent of the parish of Lewisham, next Bromley and Beckenham, in the county of Kent; and for extending the said acts to the repair of the roads leading from the end of the present turnpike to the west end of Stroud Green, and to Farnborough Well, and to the Stone's End in London Street, Greenwich, and to the north end of Burnt Ash Lane, in the parish of Lee, and from the west end of Greenwich Park Wall to Woolwich Warren; and for making an allowance out of the tolls arising by the said acts to the trustees for putting in execution an act of the twenty second year of King George the Second, for opening and making a new road from the east end of New Street, in the parish of Saint John, Southwark, to and through the several places therein mentioned; and for keeping the said road in repair for the future.

C A P. LXXXVIII.

An act for repairing and widening the road from Barton Waterfidehouse, to Riseham Hedge Corner, and several other roads in the county of Lincoln, therein mentioned.

C A P. LXXXIX.

An act for the building a bridge over the river Tay, at or near the town of Perth, in the county of Perth.

C A P. XC.

An act for repairing and widening the road from the Alfreton turnpike road, near a place called Little Robbins, in the parish of Mansfield, in the county of Nottingham, through Woolley Moor, to the Nottingham turnpike road, near Tanley, in the county of Derby, and from Woolley Moor, to the Chesterfield turnpike road at Kelsledge, in the county of Derby.

C A P. XCI.

An act for vesting certain glebe lands, belonging to the rectory of the parish church of Saint Christopher, in the city of London, in the governor and company of the bank of England; and for making a recompence to the rector of the said parish, and his successors, in lieu thereof; and for obviating certain doubts in an act passed in the thirty third year of the reign of his late Majesty, for widening certain streets, lanes, and passages, within the city of London.

C A P. XCII.

An act for explaining and amending, and likewise for enlarging the term and powers granted by a certain act of parliament, passed in the twenty fifth year of the reign of his late majesty King George the Second, intituled, An act for amending several roads leading from the town of Taunton, in the county of Somerset.

C A P. XCIII.

An act for repairing, widening, turning, altering, and keeping in repair, the roads leading from the port town, and borough of Minehead, through Dunstan and Timbercombe, to Hele Bridge, and through the town of Dulverton, and by the river and Brushford Green to Exbridge, in the county of Somerset, and from thence to Batham Bridge, in the town of Bampton, in the county of Devon; and also the road leading from the said port town and borough of Minehead, through Carhampton and

Billbrooke to Harrow Gate, in the parish of Stogumber, in the county of Somerset; and also the road leading from Carhampton aforesaid, through the town of Watchet, in the parish of Saint Decumans, in the county of Somerset, to or near the village of Rydon, and by Long Cross Barn, to the end of the Bridgewater turnpike road, in the town of Nether Stowey, in the county of Somerset; and also from the said town of Watchet to Tower Hill, in the village of Williton in the parish of Saint Decumans, and from the said town of Watchet, by way of Five Bells to Fair Cross, and from thence to Stickle Path, over Brendon Hill, to Robery Lane, and to Bampton in the said county of Devon.

C A P. XCIV.

An act for repairing the church of the united parishes of All Saints and Saint John, in the town of Hertford.

C A P. XCV.

An act for repairing and widening the road, leading from a street called The Hundred, at Romsey, through Chilworth, to the river at Swathling, in the county of Southampton, and for connecting the same with the road leading from the city of Winchester, through Hurstley, to Chandler's Ford; and from Hurstley aforesaid, to the turnpike road at Romsey aforesaid; and also for repairing and widening the road leading from the river at Swathling aforesaid, through Botley, to the turnpike road at Sherrill Heath, in the said county of Southampton.

C A P. XCVI.

An act for repairing and widening the road from Alford to Boston, and from thence to Cowbridge, in the county of Lincoln.

C A P. XCVII.

An act for the better relief and employment of the poor, in the hundreds of Loes, and Wilford, in the county of Suffolk.

C A P. XCVIII.

An act to enlarge the term and powers of an act made in the twenty fourth year of his late Majesty, for repairing the road from Croftord Bridge to Manchester, and for amending the road from Croftord Bridge aforesaid, to a certain place in Altrincham, in the county palatine of Chester.

C A P. XCIX.

An act for amending and widening the road, from the city of York,

York, by Grimston Smithy, to Kexby Bridge, and from Grimstone Smithy aforesaid, to a certain gate, at the upper end of Garraby Hill, in the county of York.

C A P. C.

An act for repairing and widening the road from Stockport, in the county of Chester, to Saxon's Lane End, in the county of Lancaster, and from the cross, in Ashton-Under-Line in the said county of Lancaster, to Doctor's-Lane-Head, in the county of York; and also the road branching out of the first-mentioned road, in the township of Bredbury, to Mottram, in the said county of Chester.

C A P. CI.

An act for repairing and widening the roads from the Little Bridge, over the end of the drain, next Wisbeach River, lying between Roper's Fields, and the Bell Inn in Wisbeach, in the Isle of Ely, to the sign of the Bear in Walsoken, in the county of Norfolk; and from Walsoken Bridge, lying over the same drain, to the said sign of the Bear, and to Lord's Bridge, in Islington, and from thence to the west ends of Maudlin Bridge and German's Bridge, in the county of Norfolk; and from the east of German's Bridge aforesaid, to the west end of Long Bridge, in South Lynn, in the borough of King's Lynn, in the said county of Norfolk; and from Islington aforesaid, to Cross Keys Wash in the said county.

C A P. CII.

An act for repairing and widening several roads, leading from between the second and third mile stones, on the turnpike road between the town and county of Coole, and Winborn Minster, in the county of Dorset, to Bratton Corner, in the county of Somerset.

C A P. CIII.

An act to enlarge the term and powers of an act made in the twenty seventh year of his late Majesty, for opening, making, widening, and keeping in repair, a road from Ratcliffe Highway, through Cannon Street, in the county of Middlesex, and other roads in the said act mentioned; and for lighting, watching and watering the said roads.

C A P. CIV.

An act for enlarging the term and powers granted by an act passed in the twenty sixth year of his late Majesty's reign, intituled, An act for repairing and widening the roads therein

Anno quinto GEORGIUM III. c. 105,--108. 1765.
 therein mentioned, leading to and from the towns of
Shepton Mallet and *Ivelchester*, in the county of *Somerset*,
 and for repairing the roads from *Shepton Mallet* to *Leigh-*
ton, and from *Shepton Mallet* to *Long Crofs Bottom*.

CAP. CV.

An act for repairing and widening the road, from the turn-
pike road in Banbury, in the county of Oxford, through
Daventre, and Cottelbach, to the south end of Mill
Field, in the parish of Lutterworth, in the county of Lei-
cester.

CAP. CVI.

An act to continue the term and render more effectual an act
passed in the thirtieth year of the reign of his late Majesty,
for repairing and widening the roads leading from Spalding
High Bridge, through Littleworth, and by Frognall,
and over James Deeping Stone Bridge, in the county of
Lincoln, to Maxey Outgang, in the county of Northamp-
ton, adjoining to the high road there.

CAP. CVII.

An act for repairing and widening the road from the Great
Bridge, in the borough of Warwick, through Southam,
and Daventry, to the town of Northampton.

CAP. CVIII.

An act for amending and widening the road, from the north
end of Old Malton Gate, in the town and borough of
New Malton; to the town of Pickering, in the county
of York.

The END of the Twenty-Sixth Volume.

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